

**“Ko Au Te Moana, Ko Te Moana Ko Au:  
Te Rangatiratanga Me Te Kaitiakitanga o Roto i Te Rāngai Kaimoana Māori”**

*“I Am The Ocean, The Ocean Is Me:  
Rangatiratanga And Kaitiakitanga In The Māori Seafood Sector”*

A thesis submitted in partial fulfilment of the requirements  
for the degree of

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## KARAKIA WHAKAWĀTEA<sup>1</sup>

Ko te hā, ko te hau, ka ū  
He au kawē ora, he iaia  
Kia pū, kia iho,  
Kia take,  
He aitanga,  
He whakapapa,  
He whakarangi,  
Haumie ki te tiketike,  
He tī, he aho,  
Tiaho mai i roto  
Kia tūturu ō whiti whakamaua kia tīna,  
Haumi ē, hui ē, tāiki ē!

## KO TŌKU PEPEHA

Ē taku manu tipua, rere atu rā ki ngā kōtiritihi tapu  
O nga pou o Te Whare Tapu o Ngāpuhi e tū mai rā,  
Ki Hikurangi, ki Mōngero maunga,  
Ngāpuhi kōwhao rau, he pukepuke rau, Ngāpuhi herehere i te riri ē!

Roharohaina ō parirau kia rere whakatetonga ki Pare Hauraki, ki Ngāti Pūkenga,  
Tau atu ki te rua kōiwi o tōku tūpuna o Te Kou o Rēhua ki Hauturu maunga ē!

Rere atu ki tōku pou whenua ki Mauao maunga e tū rangatira mai rā,  
Ki ngā takutai o Tauranga Moana, rere ki uta, rere ki tai,  
Rere atu ki ngā pāpaka o Rangataua ē!

Kia anga whakaterāwhiti to haro ki tōku tūpuna a Porourangi, kia Tūwhakairiora  
Kia tau ake ki te ikeiketanga o Hikurangi maunga i te ata hāpara,  
Kia rekareka ai tō kōrihi i te uranga mai o te rā ē!

Nā ē taku manu tipua, kia aro whakatetonga tō rere ki ōku iwi whāngai,  
Kia Ngāti Kahungunu, kia Rangitāne o Wairarapa,  
ki te karu o te ika e pūkanakana mai rā,  
Tau atu ki ngā maunga e whakamaru nei i te riu o Wairarapa  
Kia Rangitūmau, kia Tararua pāe maunga, otirā ki ngā maunga whakahī huri noa!

Ehara ōku maunga i te maunga nekeneke, he maunga tū tonu, tū te ao, tū te pō ē!  
Tihewa Mauri ora!

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<sup>1</sup> The karakia (incantation) at the top of this page is a traditional Māori blessing on the whole of this study. This particular karakia is used to bless taonga and is therefore appropriate at the launching of this study. The Pepeha section acknowledges my linkages to my ancestral mountains across Aotearoa.

## TOHINGA – DEDICATION

*“The glory of God is intelligence, or, in other words, light and truth”  
(Doctrine & Covenants 93:36)*

To my Dad

Who lovingly taught me the Gospel of Jesus Christ as a secure foundation for my life  
and of the importance of education. The best Dad any son could ever hope for.  
Moe mai rā e taku Pāpā, ā tona wā tūaki anō ai tāua!

To my Mum

Who bestowed upon me the priceless taonga of te reo Māori me ōna tikanga, and taught me  
to always be proud to be Māori. Who has also taught me of the importance of education by  
example and has continued to lead our whānau in āroha following the passing of our Dad.  
Āroha mutunga kore Māmā!

To my beautiful Wife

Who took a leap of faith with me when I was inspired to return to study, although we didn't  
know at the time the details of how it was going to work out. Who has managed well her  
added responsibilities as a result of my studies and who has been patient with me in my flaws.  
I look forward to building our family and future together, my love!

To my son, future children and descendants

May you grow healthy and strong. Strong in your identity as Māori and as children of God.  
Pāpā loves you!

Also dedicated to my ancestors, grandparents, siblings, aunties, uncles, cousins, nieces,  
nephews and friends who have supported me throughout my life. Although I wish to  
acknowledge you each individually, for lack of space, I am unable to do so here, however I  
take this opportunity to express my profound gratitude to you all. The following whakataukī  
encapsulates the empowering role you have played in my life.

*“Mā te huruhuru ka rere te manu”  
It is the feathers that enable a bird to fly*

*“I belong, therefore I am”*

– Ruawhitu Pokaia

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*“Ehara taku toa i te toa takitahi, engari he toa takitini”  
My success is not mine alone, but is shared with all those who have supported me*

## RĀPOPOTONGA ME NGĀ KUPU MATUA – ABSTRACT AND KEYWORDS

Prior to 1840, rangatira (Māori chiefs) exercised exclusive and unqualified sovereignty over their lands and fisheries within their respective jurisdictions. However, this sovereignty was subsequently taken away from them through colonisation following the signing of the Treaty of Waitangi/Te Tiriti o Waitangi. This has had debilitating flow-on effects on the ability of Māori to exercise rangatiratanga and kaitiakitanga today. To illustrate the challenges facing Māori and iwi in their pursuit of rangatiratanga and kaitiakitanga, this study draws on the case study of the Māori Seafood Sector. Specifically, it investigates the question “what factors inhibit and enhance rangatiratanga and kaitiakitanga in the Māori Seafood Sector (MSS)?”

This study finds that the factors inhibiting and enhancing the rangatiratanga of Māori in the MSS generally revolve around sovereignty and the possession and exercise of customary proprietary rights. Furthermore, this study finds that kaitiakitanga generally revolves around the Māori cosmological worldview of the land, ocean and all environment as ancestral beings imbued with mauri. In this sense, Māori are umbilically connected to the environment through whakapapa. This is the foundation through which Māori see their roles as Kaitiaki (guardians) of the environment with the responsibility to nurture and protect its mauri to ensure it is maintained for future generations.

This study draws on the ‘inside-out model of transformation’ to analyse the factors inhibiting and enhancing rangatiratanga. The theory suggests Māori focus on Māori needs, aspirations and preferences and challenge their own thinking to circumvent colonisation of the mind. In addition, the theory of ‘relational wisdom’, which focuses on the interconnected relationships within the environment, will be used to analyse the factors that enhance kaitiakitanga while ‘dissociation’, the opposite of relational wisdom, will be used to analyse the factors that inhibit kaitiakitanga. This mixed-method study draws on secondary data analysis and qualitative data collection through semi-structured interviews with a total of fifteen Kaikōrero Māori (Māori interview participants) of varying backgrounds and interests in the MSS.

**Keywords:** Environmental Management; Indigenous Rights; Kaitiakitanga; Māori Determination; Māori Independence; Māori people; Māori Seafood Sector; Māori-Crown

Relations; New Zealand; Rangatiratanga; Resource Management; Sovereignty;  
Sustainability; Te Tiriti o Waitangi; Treaty of Waitangi.

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## KUPU RĀPOTO – ACRONYMS

ACE	Annual Catch Entitlement
CO <sub>2</sub>	Chemical Formula for Carbon Dioxide
EEZ	Exclusive Economic Zone
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
FSA	Foreshore and Seabed Act 2004
GDC	Gisborne District Council
ICP	Iwi Collective Partnership
MCH	Ministry for Culture and Heritage
MfE	Ministry for the Environment
MPI	Ministry for Primary Industries
MSS	Māori Seafood Sector
NZTE	New Zealand Trade and Enterprise
PSH	Precision Seafood Harvesting
QMS	Quota Management System
TOKM	Te Ohu Kaimoana
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

# ŪPOKO TUATAHI (CHAPTER ONE): RESEARCH DESIGN

*“What happens to research when the researched become the researchers?”*

*Linda Tuhiwai-Smith (Tuhiwai-Smith, 2012, p. 185)*

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This chapter provides an outline of the specifications of this study. That is, it will address the scope of the study, what other authors have said in relation to the research question, and the rationale for why it is relevant, timely and necessary.

## **1.1 Introduction and Research Question**

Pre-European Māori<sup>2</sup> never saw it coming. Little did they know that the encounters with Dutch Explorer Abel Tasman in 1642 and English Navigator Captain James Cook in 1769 were signs of an imminent tidal wave of colonisation that would lead to the destruction of their rangatiratanga<sup>3</sup> (chieftainship) and kaitiakitanga<sup>4</sup> (guardianship) over their fisheries and other taonga (prized possessions). In a bid to declare their independence, rangatira (Māori chiefs) from several North Island iwi (tribes) established a flag in 1835 and signed a Declaration of Independence<sup>5</sup> between 1835 and 1839 declaring their sovereignty over Aotearoa, which was recognised by King William IV of Britain (MCH, 2012). However, in 1840, The Treaty of Waitangi (The Treaty)/Te Tiriti o Waitangi (Te Tiriti)<sup>6</sup> was signed between over 500 rangatira and representatives of the British Crown, marking the beginning of Aotearoa's new identity as a British Colony. In spite of promises made to rangatira in Te Tiriti regarding the preservation of their customary proprietary rights and autonomy, the security of these rights would be sorely contested down to the present day.

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<sup>2</sup> The Māori people are the tangata whenua (native indigenous people) of Aotearoa (New Zealand).

<sup>3</sup> This study avoids the practice of italicising Māori terms. The rationale for this is given in section 1.5.

<sup>4</sup> Kaitiakitanga includes the right to harvest the fruits of the land and sea and emphasises that Māori are connected with the environment through whakapapa (genealogy).

<sup>5</sup> Text included as Appendix 8.

<sup>6</sup> Due to mistranslations between the two versions, there are two versions of the Treaty, the English and the Māori language versions. The texts of the two versions are included as Appendix 6.

The impact of colonisation hit Māori hard. Between 1840 and 1930, the mass of Māori-owned land plummeted from 100<sup>7</sup> per cent of Aotearoa to a meagre five per cent through “land seizures by European settlers, land sales, compulsory acquisitions by the Crown<sup>8</sup> and gifting by Māori” (NZTE, 2017, p. 17). This coincided with a sharp decrease in the Māori population from approximately 150,000 in 1840 to 42,000 56 years later in 1896 (Pool, 1977, cited in Durie, 2011); together with a general deterioration in Māori culture, language, education, health and identity as the Crown sought to ‘civilise’ Māori through its assimilative regimes (Awatere-Huata, 1984, p. 10).

Māori fishing rights were also lost through Crown legislations. Following decades of legal action against the Crown for breaches of customary fishing rights, Māori and the Crown reached a full and final fisheries settlement in 1992 (Boast, 1999). Since the Settlement, the Māori Seafood Sector (MSS)<sup>9</sup> has experienced significant and rapid growth, collectively possessing 50 per cent of Aotearoa’s total fishing quota today (Seafood New Zealand, n.d.). The settlements are the mechanism by which customary fishing rights have been restored to Māori, resulting in a degree of rangatiratanga being restored to Māori. However, as will be seen in this study, Māori customary fishing rights continue to face uncertainty now and into the future due to Crown intervention and other factors external to te ao Māori (the Māori world).

It is evident that in some quarters of Aotearoa’s seafood industry as well as within the MSS itself, economic considerations are given precedence over kaitiakitanga. For example, the Ministry for Primary Industries (MPI) (2009) states that pelagic trawling<sup>10</sup> and beam trawling<sup>11</sup> are the most common commercial fishing methods in Aotearoa. This is despite wide criticism that beam trawling impacts on benthic invertebrate and demersal fish and causes damage to the seabed (Polet & Depestele, 2010; van Denderen, Hintzen, Rijnsdorp, Ruardij & Van Kooten, 2014). Furthermore, fishing vessels emit Carbon Dioxide (CO<sub>2</sub>), adding to the atmospheric pollution which contributes to global warming and ocean

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<sup>7</sup> Apart from several small legitimate land purchases by early missionaries.

<sup>8</sup> The term ‘Crown’ is generally used in this study to indicate the New Zealand Government, apart from specific references to the British Government.

<sup>9</sup> The Māori Seafood Sector (MSS) is defined as including the three pillars of commercial, customary and recreational harvesting, made possible through the 1992 Deed of Settlement (Sealord Deal) between iwi and the Crown.

<sup>10</sup> Where a net is dragged by a vessel (or vessels) in mid-water.

<sup>11</sup> Where a net is dragged across the ocean floor.

acidification. Given the triple crisis of “climate change, peak oil and food insecurity” prevalent today (Shiva, 2008, as cited in Bargh, 2014, p. 459), this study asserts that a return to a kaitiakitanga-based approach to environmental engagement<sup>12</sup> is urgently required in order to reverse the degradation of the environment and depletion of fish species.

Given the potential of the MSS to make a significant positive environmental contribution in Aotearoa, and given that rangatiratanga and kaitiakitanga are critical to Māori and iwi maintaining Māori fishing rights, this study investigates the factors that inhibit and enhance the exercise of rangatiratanga and kaitiakitanga by Māori again in the MSS.

## **1.2 Research Objectives and Relevance**

This study seeks to:

- explore the treaty settlements that have led to Māori fishing rights in the modern-day context and events that have continued to test the rigidity of these rights;
- examine the relationship between rangatiratanga and kaitiakitanga and how the relationship is manifest in the MSS today; and,
- examine the factors inhibiting and enhancing rangatiratanga and kaitiakitanga in the MSS.

This study is timely, relevant and applicable in five principal areas:

1. It contributes to the body of knowledge informing policies and practice within the MSS;
2. It informs the development of Crown policies for environmental engagement and the building of amicable Māori-Crown relations, with particular relevance to the Ministry for Primary Industries (MPI), the Ministry for the Environment (MfE) and Te Puni Kōkiri<sup>13</sup>;
3. It highlights the environmental and social consequences of ignoring the need to care for the environment as a living entity;
4. It is also useful as a reference for other international indigenous minorities who may be subject to experiences similar to those endured by Māori; and,

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<sup>12</sup> The term ‘environmental engagement’ is used in place of ‘environmental management’. The rationale is explained in section 1.5 ‘Terminology’.

<sup>13</sup> Ministry of Māori Development.

5. The research contributes to academic literature in the fields of Resource Management<sup>14</sup>, Māori Development, Māori Studies and Environmental Management.

### 1.3 Literature Review and Theoretical Framing

This literature review discusses the factors that inhibit and enhance rangatiratanga and kaitiakitanga. Although the majority of literature cited does not make specific reference to the ocean and kaimoana (seafood), they can all equally be applied to the MSS nonetheless. The theoretical framing follows the discussions on rangatiratanga and kaitiakitanga respectively.

The Kairangahau acknowledges the complexities of the terms rangatiratanga and kaitiakitanga, and the dangers of defining these terms in English given the difficulty of capturing their full meanings in English<sup>15</sup>. Consequently, this study will not define these terms, rather it will adopt their general interpretations. As such, in this study, the concepts of tino rangatiratanga and rangatiratanga<sup>16</sup> are understood as interpreted by Durie (2011, p. 52) to imply “a rejection of assimilation and a conviction that Māori futures will be best served by Māori leadership and control”. In addition, kaitiakitanga is understood as interpreted by Cram, Te Ari Prendergast, Phillips and Parsons (2008, p. 147) as “the Māori environmental ethic [which] determines how Māori interact with the environment”. Furthermore, Tikanga Māori is defined by Mead (2003, p. 6) as “the Māori ethic [which] involves moral judgments about appropriate ways of behaving and acting in everyday life”.

#### *Factors Inhibiting Rangatiratanga*

According to Bodwitch (2017, p. 87), “few Māori are fishing, processing or selling fish caught by Māori quota”. She partially ascribes this to “accumulation by dispossession”<sup>17</sup> which, in this context, describes how vertically integrated fishing processors<sup>18</sup> accumulate

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<sup>14</sup> In this study, where possible the Kairangahau avoids using the word ‘resource’ to describe fisheries, the environment or anything originating from the environment. See section 1.5 ‘Terminology’ for the rationale.

<sup>15</sup> This notion applies to all Te reo Māori terms used within this study.

<sup>16</sup> The difference between rangatiratanga and tino rangatiratanga is that ‘tino’ refers to exclusive, total and absolute.

<sup>17</sup> A concept developed by philosopher David Harvey, based on Karl Marx’s theory of primitive accumulation.

<sup>18</sup> Defined by Bodwitch as “operations who pay non-owners for their labor because the operation’s fishing and processing capabilities – determined by ownership of fishing rights, boats, gear, and food safety certified processing infrastructure – exceed the owners’ labor capacities” (2017, p. 89).



wealth by dispossessing small-scale fishers<sup>19</sup>, many of whom are Māori. She claims that since many iwi (Māori tribes) do not have the resources to harvest or process their own quota, many lease their quota to the highest bidder, who often tend to be vertically integrated non-Māori operators. Given that small-scale Māori fishers are unable to compete with these vertically integrated operators, they are denied access to commercial fisheries, leading to industry dominance by a few powerful operators. This constitutes a significant impediment on rangatiratanga for Māori and iwi within the MSS.

A further impediment to rangatiratanga generally, and consequently to kaitiakitanga by association, is that traditional Māori practices are viewed through non-Māori eyes and have been legislated against, such as the traditional customary harvesting of kererū (native Aotearoa wood pigeon). Weaver (1997) claims that denying Māori the right to the customary harvest of kererū severely inhibits Māori identity through taking away the ability of Māori to carry out their traditional practices. This is despite kererū being a staple of the pre-European Māori diet and given that the species only became endangered following colonisation due to habitat destruction and the introduction of pests. Māori are unable to determine the customary harvest of taonga such as kererū, as guaranteed under Article Two of the Treaty. This makes it impossible for them to exercise kaitiakitanga over this taonga. Thus the requirement for Māori and iwi to comply with Crown legislation within the seafood industry equally affects the rangatiratanga of Māori and iwi over their marine-based taonga.

### *Factors Enhancing Rangatiratanga*

Roberts, Norman, Minhinnick, Wihongi and Kirkwood (1995) explain how a recognition of Māori values in legal environmental cases regarding Te Awa o Waikato<sup>20</sup> and Manukau Harbour have empowered Māori and iwi to regain a degree of rangatiratanga and kaitiakitanga. Nevertheless, while the recognition of Māori values within a Court of Law can be seen as a positive step forward for Māori, that non-Māori authorities have the power to determine the degree to which Māori may exercise rangatiratanga is a contradiction of the essence of the term. However, if Māori values can be recognised within the wider seafood

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<sup>19</sup> Defined by Bodwitch as “fishers who do not own the means necessary to fish, process, and sell their own fish” (2017, p. 89).

<sup>20</sup> Māori for ‘The Waikato River’.

industry, for example in the development of policies<sup>21</sup>, this will contribute to the strengthening of the rangatiratanga and influence of Māori within the industry.

In many cases, Māori have sought to reclaim their rangatiratanga through sheer self-determination. For example, Sharples (2008) acknowledges the emergence of the Te Kōhanga Reo<sup>22</sup> and Kura Kaupapa Māori<sup>23</sup> movements in the 1980s, based on a desire to ensure the survival of te reo Māori (the Māori language), as pure expressions of tino rangatiratanga. He notes that Kura Kaupapa Māori started without government support and that many defiant whānau Māori (Māori families) insisted “we will build our own schools” (2008, p. 47). These institutions were eventually recognised by the Crown 1989<sup>24</sup>. The independent establishment of a Māori education system by Māori, immersed totally in te reo Māori me ōna tikanga<sup>25</sup>, to cater for the educational needs of Māori children is an example of Māori claiming rangatiratanga and kaitiakitanga over the education of their children. This same principle can apply to the MSS as Māori seek to grow their share of the overall industry to have greater influence on how it is managed and regulated.

### *Rangatiratanga Theoretical Framing*

In the pursuit of rangatiratanga, a further author, Smith (2003), argues transformation<sup>26</sup> has to be won on two broad levels. Firstly, in confrontation with the coloniser by moving from a reactive focus on decolonisation to a proactive focus on Māori needs, aspirations and preferences. Secondly, through challenging one’s own thinking, given that colonisation diminishes indigenous people’s ability to imagine a state of freedom without the oppressor. Smith (2003, p. 3) has coined this as the “inside-out model of transformation”. Although this model is discussed by Smith in an educational context, it can equally be applied to the MSS. This study will apply Smith’s ‘inside-out model of transformation’ as a theoretical basis for discussions on rangatiratanga as any factor which inhibits or enhances rangatiratanga can be traced back to, and explained by this model.

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<sup>21</sup> This study acknowledges this is taking place through rāhui, taiāpure and mātaihai. (For definitions, see the Glossary).

<sup>22</sup> Te Kōhanga Reo is an early childhood education institution based on the Māori language and culture.

<sup>23</sup> Kura Kaupapa Māori is a schooling system based on the Māori language and culture.

<sup>24</sup> Through the Education Act 1989.

<sup>25</sup> The Māori language complete with its cultural values and practices.

<sup>26</sup> In his article, Smith discusses ‘transformation’ as a way for Māori to “[get] out from under the influence of the reproductive forces of dominant society” (2003, p. 2). Although he does not refer to ‘rangatiratanga’ specifically, his use of the word ‘transformation’ is another way of expressing ‘rangatiratanga’ in the article.

### *Factors Inhibiting Kaitiakitanga*

McCarthy, Hepburn, Scott, Schweikert, Turner and Moller (2014) and Dick, Stephenson, Kirikiri, Moller and Turner (2013) argue that the depletion of kaimoana leads to a loss of cultural identity, cultural integrity and the ability of Māori to practice kaitiakitanga. Māori believe that when the mauri (life force or essence) of the environment is degraded through such things as pollution and unsustainable harvesting practices, this impacts on the well-being of the people and limits their ability to practice kaitiakitanga. This is reinforced by Henwood and Henwood who state that the pollution in Ōmāpere<sup>27</sup> has led to the weakening of its mauri which has negatively affected the health of the tangata whenua (local people, people of the land) as “the health of the lake and the health of the people are intertwined” (Henwood & Henwood, 2011, p. 220).

A further threat to kaitiakitanga is linked to the assertion of some businesses that humans reign supreme over the environment with little moral obligation to act ethically. This is commonly linked to Milton Friedman’s assertion that the sole responsibility of a business is to increase profits for its shareholders regardless of the means used to achieve this end (Friedman, 2002) as well as René Descarte’s famous assertion “I think, therefore I am” (Descartes, Descartes & Veitch, 2000, p. 1). Spiller, Pio, Erakovic and Henare (2011, p. 224) term this individualistic approach as “dissociation”<sup>28</sup>, referencing the literature that blames dissociation for many of the environmental, ethical and social responsibility disasters seen in businesses across the world (p. 224).

### *Factors Enhancing Kaitiakitanga*

Rāhui can be used to restore the mauri of the ocean. Mauri is integral to kaitiakitanga given that if there is no mauri, there is nothing for Māori to be Kaitiaki of, as a complete loss of mauri denotes death. Marsden asserts that humankind must come to an understanding of their identity as children of the earth with obligations to the environment. He suggests that this will “help [humankind] in working to restore and maintain the harmony and balance which successive generations [...] have arrogantly disrupted” (1992, p. 17). As this harmony is

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<sup>27</sup> The name of a lake north of Kaikohe Township in the Far North District of Aotearoa.

<sup>28</sup> Disconnecting or separating the environment into fragments and ignoring its interconnected nature.

protected, Māori will be able to exercise their rights as Kaitiaki and secure the fruits of the environment for future generations.

### *Kaitiakitanga Theoretical Framing*

Further adding to the literature on kaitiakitanga, Spiller et al. (2011) proposes ‘relational wisdom’ as an antidote for the environmental catastrophes prevalent in the world today. Relational wisdom focuses on the interconnected nature of the environment where a negative or positive influence in one area of the environment will also be felt in other areas. They note that the opposite of relational wisdom is “dissociation” (p. 224). This study will draw on the concepts of relational wisdom and dissociation as introduced by Spiller et al. (2011) to form the basis of discussions on factors that inhibit and enhance kaitiakitanga. This is because all factors either enhancing or inhibiting rangatiratanga can be traced back to either relational wisdom (enhancers) or dissociation (inhibitors) as will be seen in Chapter Three.

### *Conclusion and Thesis Statement*

Factors inhibiting rangatiratanga have been identified in this review to include a lack of: ownership, autonomy, resourcing and ability of Māori to fish their own quota and customary control over taonga Māori; while factors enhancing rangatiratanga can include: a recognition of tikanga Māori<sup>29</sup> in society as well as Māori being proactive and self-determined to meet the needs of Māori. Factors inhibiting kaitiakitanga have been identified to include pollution and a depletion of fish species as well as the threat posed by the ideology that humans can do what they like to the environment without consequence. On the other hand, factors enhancing kaitiakitanga include the use of rāhui as a conservation tool and reinforcing the perspective that humans are whanaunga (kin, family) with the environment and therefore have a responsibility to protect its mauri.

While the factors inhibiting and enhancing rangatiratanga and kaitiakitanga in the MSS are numerous, this study asserts that the inhibiting or enhancing of rangatiratanga is ultimately subject to the possession and use by Māori of their customary fishing rights. Furthermore, the

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<sup>29</sup> The correct procedure or custom according to Māori values and knowledge. This study acknowledges that various iwi have their ways of applying tikanga and, while it takes into consideration tribal differences, adopts general, non-tribal view of tikanga.

inhibiting or enhancing of kaitiakitanga depends on whether the environment is treated with care and respect, in the same way that one would care for an ancestor.

## **1.4 Methodology and Ethics**

This study draws on both secondary data analysis and primary data collection methods. Secondary data was collected from various sources including academia within the fields of political science, business, Māori studies and environmental and marine resource management. This study also builds on government sources including reports and website information from MfE, Ministry of Culture and Heritage (MCH), MPI and the Waitangi Tribunal. In addition, business and Non-government organisations reports have also been referenced including from Te Ohu Kaimoana, the Iwi Collective Partnership (ICP)<sup>30</sup>, Ngā Pae o Te Māramatanga<sup>31</sup>, Greenpeace and Moana New Zealand. International bodies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP) and United Nations Food and Agriculture Organisation (FAO) have also been referenced. Finally, a range of media sources have also been incorporated to provide a balanced perspective.

Primary data was collected through semi-structured interviews with a total of fifteen Kaikōrero (interview participants) between 23 November and 20 December 2017. This study began with the broad working title of “The role of Tikanga Māori in Board-level Decision Making in the Māori Seafood Industry” with particular focus on kaitiakitanga. However, through the interviews and literature review, this study morphed into a focus on the factors inhibiting and enhancing rangatiratanga and kaitiakitanga as rangatiratanga emerged strongly as a principle that sits alongside kaitiakitanga. In addition, the term ‘Māori Seafood Sector’ was adopted in place of ‘Māori seafood Industry’ to acknowledge that the Māori sector is part of the wider Aotearoa Seafood Industry.

All Kaikōrero were of Māori descent, which allowed the topic to be discussed robustly through a distinctive Māori lens. Kaikōrero for this study included:

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<sup>30</sup> The ICP is a collective of 15 iwi “specialising in Treaty fishing rights and kaitiakitanga (responsible fishing) [and is] the largest tribal collective in New Zealand” (Iwi Collective Partnership, 2015).

<sup>31</sup> Ngā Pae o te Māramatanga is Aotearoa’s Māori Centre of Research Excellence funded by the Tertiary Education Commission and hosted by The University of Auckland (Ngā Pae o te Māramatanga, 2018).

- one kaumātua (Māori elder)
- seven Kaikōrero with iwi-based fishing interests
- one Resource Management Consultant
- one Academic with relevant tikanga Māori and resource management experience
- two Scientists (one marine, one environmental)
- three Environmental Activists

Two Kaikōrero opted for anonymity and several others spoke as private individuals. The Kairangahau (Researcher)<sup>32</sup> acknowledges the bias incorporated due to the proportionately high number of Kaikōrero with iwi-based interests. The rationale is that because the fisheries settlement was undertaken at the iwi level, the Kairangahau felt that it was important to interview a wide range of iwi-based Kaikōrero. Given that kaumātua are the receptacles of mātauranga Māori<sup>33</sup> (Barlow, 1994) it was also important to incorporate a kaumātua's views on the subject. The Resource Management Consultant provided valuable insights into the management of natural resources from a Māori perspective while the Academic also contributed his experience regarding rangatiratanga and kaitiakitanga. The environmental activists were selected to give a balanced perspective, free of economic influences and the scientists provided a unique scientific perspective.

All interviews were conducted in English, except for the interview with the kaumātua which was conducted fully in te reo Māori. The Kairangahau produced a written English interpretation of the interview and obtained approval from the kaumātua on its accuracy. Where references to the kaumātua's comments are made in this study, the transcribed quote in te reo Māori will be included in the footnotes. Interviews were conducted through video or teleconferencing for Kaikōrero based outside of Christchurch and kano ki-te-kano (face-to-face) for Christchurch-based Kaikōrero. Hand-written interview notes were taken and the notes were typed and emailed to the Kaikōrero for checking accuracy. A list of participating Kaikōrero is included as Appendix 1.

For the identification of key themes and categories, the Kairangahau drew on an adaptation of the method given by Burnard (1991) for the analysis of interview data in qualitative research. Firstly, the Kairangahau read through the interview summaries while noting the

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<sup>32</sup> In this case, the author of this study.

<sup>33</sup> Māori knowledge complete with its cultural practices and values.

general themes in the summaries that related to factors that inhibit and enhance rangatiratanga and kaitiakitanga in the MSS (Burnard's Stage Two). The general themes were then reviewed and headings were identified that describe the general categories of the themes in a process termed as 'open coding' (Stage Three). The categories were then clustered together under "higher-order headings" (1991, p. 462) with the aim of 'collapsing' the number of categories under broader headings to produce a final list of categories and sub-categories (Stages Four and Five). Original interview summaries were read alongside the final list of categories to ensure they reflected the key aspects of the interviews with adjustments made as necessary (Stage Seven). Finally, the interview material was organised under each of these categories and sub-categories, to facilitate in the writing process.

This project was granted approval by the the University of Canterbury Human Ethics Committee.

## **1.5 Terminology**

The Kairangahau avoids, where possible, the use of the term 'resource' to describe natural phenomena as it is the Kairangahau's view that the essence of the term conflicts with kaitiakitanga. This is because the term 'resource' implies a life-less object to be exploited rather than as an ancestor to be protected<sup>34</sup>. Where the word resource is used, it is used with reluctance for lack of a more appropriate term. In addition, in this study, the term 'environmental engagement' is used in place of 'environmental management' as the former suggests inclusion and consultation with the environment as a living entity whereas the latter infers that the environment is a "silent stakeholder" (Spiller et al., 2011, p. 228).

To give appropriate mana (prestige, status) to the culturally-sensitive issues discussed in this study, the Kairangahau has adopted the Māori terminology for many key terms. The English interpretation is given at first use with footnotes used to explain more substantial terms. Also, a glossary of Māori terms is also provided on page 53. Furthermore, despite the international academic practice of italicising words that appear in a paper in a language other than that of the paper, the Kairangahau has chosen not to italicise Māori terms in this study. This is because te reo Māori is an official language of Aotearoa and is avoided by many Māori

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<sup>34</sup> The notion of the environment as an ancestor is discussed in section 2.2.

academics as well as in the public services sector. It is also an attempt to normalise the use of te reo Māori within every day life.

## **1.6 Limitations**

Limitations in this study include the short time available to complete the study (October 2017 to February 2018) as well as the 20,000 word limit which restricts the content and depth of discussions in this study<sup>35</sup>. Also, whilst efforts were made to observe vessel operations at sea, this was not possible due to the busyness of operations and short notice. Furthermore, this study does not include any government representative Kaikōrero, although efforts were made to source a spokesperson for MPI. Finally, the Kairangahau acknowledges his limited pre-existing technical, scientific, legal and seafood industry knowledge.

## **1.7 Chapter Structure**

Chapter Two provides background on the factors that have shaped the MSS. This includes the Māori cosmological world view as the body of knowledge underpinning rangatiratanga and kaitiakitanga and all tikanga Māori. The chapter also outlines several historical and recent developments that have influenced the modern day circumstances in which the MSS is placed. The purpose of this chapter is to provide the reader with the relevant background to aid in comprehending the responses of the Kaikōrero in the following chapters.

Chapters Three and Four discuss the factors that inhibit and enhance rangatiratanga and kaitiakitanga respectively based on the responses of the Kaikōrero and reinforced with relevant literature. The analysis of inhibiting and enhancing factors will also draw on the underpinning literature as identified in the theoretical framing. Chapter Five will introduce a literary contribution by the Kairangahau and attempt to synthesise the previous three chapters to analyse key themes. Chapter Six will conclude the study with an overview of the key topics and areas covered, specifically with regard to the factors that inhibit and enhance rangatiratanga and kaitiakitanga. It will close with a suggestion for further research and recommendations to the Crown and to iwi and Māori.

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<sup>35</sup> For further, in-depth study of rangatiratanga, kaitiakitanga and tikanga Māori generally, refer to Mead (2003), Barlow (1994) and Stirling & Salmond (1985).



## ŪPOKO TUARUA (CHAPTER TWO): SHAPING THE MĀORI SEAFOOD SECTOR

*“Māori must never forget that we’ve had to fight for everything that we enjoy in this country. Everything. Nothing has ever been given to us on a silver platter. Never. We have fought for everything that we enjoy today”.*

*Titewhai Harawira (as cited in Husband, 2017)*

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### **2.1 Introduction**

It is commonly accepted that the ability of Māori to exercise kaitiakitanga in the MSS is conditional upon their rangatiratanga. Without rangatiratanga, kaitiakitanga is impossible as one cannot care for something they do not control or own. Likewise, in order for rangatiratanga to be exercised in the MSS, Māori must possess and use their customary fishing rights. For this reason, the bulk of this chapter is dedicated to exploring the historical events that have tested and shaped Māori customary fishing rights and the lengths Māori have gone through to defend these rights.

The chapter begins by introducing a highly condensed account of Māori cosmology or the Māori worldview. Māori cosmology is central to this study as it informs how Māori view their relationship with the environment, with all living and non-living things as well as with each other. The balance of the chapter is dedicated to an analysis of The Treaty/Te Tiriti and related subsequent events that have tested the commitment of Maori in the maintenance and defending of their rights. The chapter concludes with an overview of the environmental factors that call for an urgent return to kaitiakitanga as a guiding philosophy for engaging with the environment.

### **2.2 Māori Cosmology: The Genesis of Rangatiratanga and Kaitiakitanga**

Māori cosmology is underscored by whakapapa (genealogy), which describes Māori as literal descendants of the gods, and the personification of natural phenomena. Most tribal variations

agree that Io Matua Kore (the Supreme Creator) existed in the beginning as the Supreme Creator. Io Matua Kore created Ranginui (sky father) and Papa-tū-ā-nuku (earth mother) as the primal parents of the universe. Ranginui and Papa-tū-ā-nuku clung together in a deep embrace while their offspring, the atua (the departmental gods) dwelt within the darkness and confines of their embrace. While some tribal versions state that they had up to seventy children (Thornton, 2004), many versions relay that Ranginui and Papa-tū-ā-nuku had seven sons.<sup>36</sup>

In this confined and gloomy condition, the atua longed for the freedom and light that would only come through emancipation. Consequently, Tāne Mahuta (god of the forest) devised a plan to separate their parents. While there was some opposition from several of the atua, they proceeded with the plan to separate their parents. As their parents were pried apart from each other, light and understanding entered the world. They elevated their father into position high in the heavens and their mother they covered with a cloak of shrubs, moss, ferns and greenery. The rivers, streams and lakes are said to represent her arterial veins through which her blood flows (McNeil, 2017, p. 24). Tāne Mahuta took of the clay at Kurawaka<sup>37</sup> and created the human female form, breathing into her the breath of life. These events mark the beginning of the universe and the introduction of the first humans into the world, according to Māori cosmology.

Māori cosmology presents a number of important lessons pertinent to this study. Firstly, as shown by Roberts et al. (1995) in Figure 1 below, Māori people descend directly from the gods and are related to all things both animate and inanimate through whakapapa.

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<sup>36</sup> These included Tāwhiri-mātea (god of the wind), Tāne Mahuta (god of the forest), Tangaroa (god of the sea), Tūmataurangi (god of war), Rongomātāne (god of peace and cultivated foods), Haumiatiketike (god of uncultivated foods) and the youngest, Rūaumoko (god of geothermal activity, earthquakes and geothermal activity).

<sup>37</sup> The mons veneris of Papa-tū-ā-nuku.

## Kaitiakitanga: Māori Perspectives on Conservation

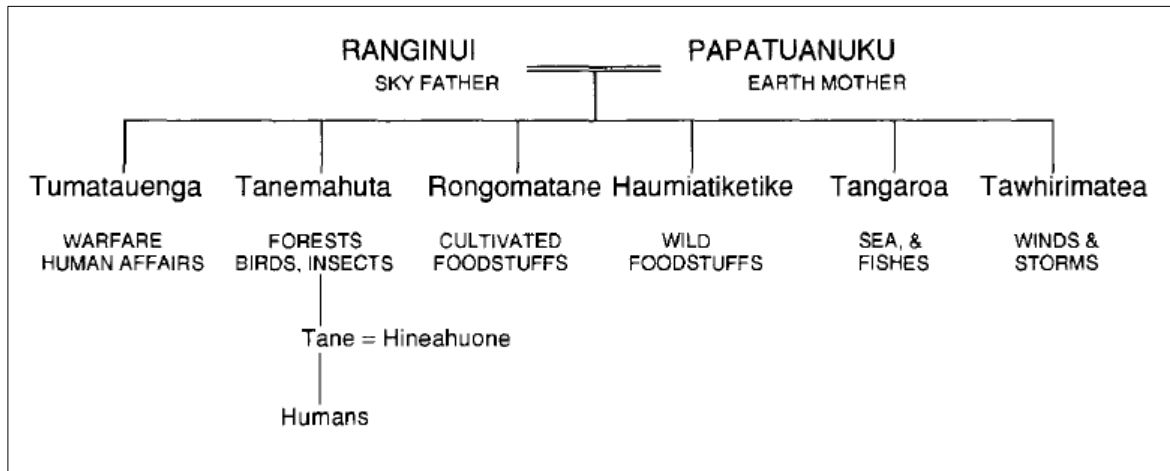


Figure 1: *The environment as family. The offspring of Rangi and Papa (Roberts et al., 1995, p. 11).*

It also underscores the importance of protecting the mauri of the environment and reinforces the symbiotic relationship between the well-being of the environment and that of humans. An understanding of Māori cosmology leads to an appreciation of how Māori view themselves as Kaitiaki with an obligation to care for, and protect, the natural environment and its fruits as one would a beloved ancestor.

It is widely acknowledged that the harvest of foods in pre-European Aotearoa were made with reference to this cosmological worldview. As subsistence cultivators and hunter-gatherers, pre-European Māori reliance on the land and ocean for food was a matter of life and death. Simply, if the environment lost its mauri, its ability to produce food, death would result. Such was the reverence and respect Māori held for the environment as a living entity. This reverence was manifest in food harvesting when Māori offered karakia (prayer, incantation) to the atua of the particular food being harvested, seeking permission to take the foods and also to give thanks for the sustenance received.

In the context of this study, an understanding of Māori cosmology is important as it will help the reader, particularly those with limited understanding of the Māori worldview, to interpret the answers of the participating Kaikōrero and their views of rangatiratanga and kaitiakitanga. This knowledge has also guided the Kairangahau in his engagements with Kaikōrero.

### 2.3 Te Tiriti o Waitangi: Sovereignty or Governance?

Māori cosmology played a central role in pre-European Māori society in its undiluted form up to and shortly following the signing of The Treaty/Te Tiriti in 1840. However, as a result of post-Treaty colonisation and assimilation of Māori, this worldview has become severely crippled as well as the ability of Māori to use it as a framework in the care of their taonga. Te Tiriti has been at the centre of the turbulent relationship between Māori and the Crown since its inception, mainly due to the misguided understandings of its implications by its Māori signatories.

For example, Kawharu notes through his interpretation of Te Tiriti that the rangatira were asked to “give absolutely to the Queen of England for ever the complete government over their land” while retaining “the unqualified exercise of their chieftainship” (n.d., p. 2). Nevertheless, this was in stark contrast with the English version, which proposed that rangatira “cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty” while retaining “full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties” (Treaty of Waitangi Act 1975, sch. 1).

Te Haara notes that in Te Tiriti, the term ‘kawanatanga’ (translated as government) was used to refer to the ‘sovereignty’ that would be given to the Queen. He notes that the term ‘kawanatanga’ would have been somewhat familiar to the rangatira given its frequent use in the Māori translation of the Holy Bible, in which context, implies subordination to a higher authority such as a king (as cited in Waitangi Tribunal, 2014). However, Te Haara further notes that a more accurate term reflecting ‘sovereign’ or ‘sovereignty’ would have been ‘rangatira’ (p. 350). Nevertheless, Mulholland and Tawhai argue that the missionaries blatantly avoided using the term ‘rangatiratanga’ for fear that the rangatira would refuse to sign. This is because the rangatira relinquishing their rangatiratanga would equate to surrendering their very identity as Māori, which would have been “repugnant to the rangatira [...] and quite incomprehensible” (2010, p. 68). This is consistent with Orange who speculates that the Treaty was deliberately mistranslated by Henry Williams in order to “secure Māori agreement” (2013, p. 49). Mulholland and Tawhai agree, reasoning that if Williams truly intended to engage with the rangatira in good faith, he would have used the

term ‘rangatiratanga’ as opposed to ‘kawanatanga’ (2010, p. 68). This assertion is on the basis that five years earlier, Williams used ‘rangatiratanga’ to describe the sovereignty of the rangatira when translating the Declaration of Independence into Māori (2010, p. 68).

British sovereignty over Aotearoa was officially ‘gazetted’ in England in October 1840, marking the point at which the Crown claimed sovereignty over Aotearoa and Māori (Consedine & Consedine, 2012, p. 91). The Crown proceeded to establish laws with which it declared Māori were required to comply, branding non-compliant Māori as ‘rebels’ (Hart, 2007). MCH (2014) states that the growing appetite for land and the desire of the Crown to assert sovereignty over Aotearoa led to the New Zealand Land Wars between Māori and the Crown from 1860 and the early 1870s. Following 174 years of asserting that Māori did not cede sovereignty, the Waitangi Tribunal found in its Paparahi o Te Raki (Great Land of the North) Inquiry that, indeed “rangatira who signed Te Tiriti did not cede their sovereignty” in 1840 (Waitangi Tribunal, 2014, p. xxii)

Nevertheless, from these earliest times, legislation has been used as a tool to dispossess and disempower Māori. An example of such a legislation was the Native Land Act 1862 which fragmented Māori land ownership titles, undermining tribal authority by allowing individual owners to sell their land without the need for collective approval, in order to encourage land sales to settlers (MCH, 2016). In addition, the New Zealand Settlements Act 1863 empowered the Crown to confiscate Māori land, without compensation, for the purpose of accommodating the influx of European settlers (New Zealand Settlements Act 1863).

The Crown then turned its view to Māori fisheries rights, which suffered a similar fate. The Larceny Act 1869<sup>38</sup> made it illegal to fish in privately-owned waters, meaning that “unless specifically provided for, traditional Māori fishing rights lacked any status” (Ruddle, 1995, p. 113). Furthermore, the Oyster Fisheries Act 1894 erroneously assumed that Māori oyster harvesting was for subsistence only and that Māori had no commercial interests in the fishery. The Crown therefore outlawed “the commercial exploitation of oysters by Māori, and leased Māori oyster beds to non-Māori commercial interests” (Waitangi Tribunal, 1988, S 1.8). In addition, commercial oyster fishers required a license, which only European fishermen could obtain (Moon, 1999, p. 38).

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<sup>38</sup> An official copy of the Act for reference purposes could not be sourced by the Kairangahau.

The Treaty/Te Tiriti is highly relevant to this study as it is the means through which Māori are able to claim rangatiratanga and kaitiakitanga over their fisheries today.

## **2.4 Fisheries Settlement: Rangatiratanga Restored?**

These statutes illustrate how Māori were gradually excluded from the seafood industry to the extent that by 1980, as Moon (1999, p. 38) claims, the Māori presence in the industry was “negligible, and limited in many cases to labouring positions on the boats and wharves”. The tipping point in Māori-Crown relations came in 1986 when the Crown attempted to establish the Quota Management System (QMS), through an amendment to the Fisheries Act 1983. The QMS sought to introduce fish quota as a tradeable commodity, leading to the privatisation of the industry. The purpose of the amendment was to regulate the commercial harvest of fish in Aotearoa’s territorial waters to halt the depletion of commercial fish species.

Māori strongly opposed the legislation claiming that it disregarded their right to tino rangatiratanga and the “full exclusive and undisturbed possession” of their fisheries guaranteed under Article Two of the Māori and English versions of Te Tiriti respectively. It also excluded small-scale fishers, many of whom were Māori, from the allocation of quota. Furthermore, it was generally seen by Māori as a “severance [of Māori] from the ocean [...] while others were allowed access to traditional fishing grounds” (Bess, 2001, p. 23). As a result, Māori, represented by Muriwhenua<sup>39</sup>, Tainui<sup>40</sup> and Ngāi Tahu iwi<sup>41</sup> and the New Zealand Māori Council, took legal action against the Crown claiming that the proposed amendment was in breach of the now-repealed s88(2) of the Fisheries Act 1983 which stated that “nothing in this Act shall affect any Māori fishing rights” (as cited in Boast, 1999, p. 117).

Boast (1999, p. 117) states that in 1989, the two parties reached an interim agreement that saw iwi receiving 10 per cent of the quota and \$10 million<sup>42</sup> and the establishment of a new Māori Fisheries Commission to assist iwi to enter the commercial seafood industry. These provisions were ratified under the Māori Fisheries Act 1989. In 1992, Māori and the Crown

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<sup>39</sup> Muriwhenua is a group of iwi based at Te Hiku o te Ika, the northernmost part of the North Island.

<sup>40</sup> Tainui is a confederation of North Island-based iwi.

<sup>41</sup> The principal Māori tribe of the South Island of Aotearoa.

<sup>42</sup> All dollar figures in this study are in New Zealand Dollars.

reached a full and final settlement with the signing of the Deed of Settlement.<sup>43</sup> Boast (1999, p. 118) states that as part of the settlement, the Crown agreed to pay \$150 million to the Commission, partly to assist Māori to enter into a 50/50 joint venture in Sealords Limited and also for distributing to iwi. The Crown also agreed to transfer a further 20 per cent of quota to the Commission in addition to the 10 per cent previously transferred. However, under the settlement, iwi were required to ‘endorse’ the QMS and withdraw their litigation against the Crown, which iwi agreed to do. These provisions were formalised in the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

The Crown delegated to the Commission the responsibility to devise a method for the allocation of quota to individual iwi. Following the Commission’s consultations with Māori and iwi between 1993 and 2003 on the quota allocation methodology, Bodwitch (2017, p. 91) comments that over 90 per cent of iwi agreed on the allocation methodology based on iwi registered population and the length of iwi coastline. Specifically, the greater the population and coastline, the greater the share of settlement funds paid and quota allocated to the iwi. Following this resolution, the Māori Fisheries Act 2004 was passed as law (TOKM, n.d., p. 25).

The Settlements are the mechanism by which the QMS came into the effect, which regulate Aotearoa’s seafood industry. It is also the mechanism by which Māori and iwi-owned fisheries businesses are able to exercise rangatiratanga over their share of quota. Therefore, in the context of this study, the Settlements have played a significant role in shaping the current MSS.

## **2.5 Foreshore and Seabed Act: Rangatiratanga Confiscated?**

Twelve years following the 1992 Settlement, Māori once again found themselves at odds with the Crown over their rights, this time in relation to ownership of Aotearoa’s foreshore and seabed.<sup>44</sup> Tensions between Māori and the Crown over the foreshore and seabed were triggered in 1997 when eight iwi<sup>45</sup> from the Te Tau Ihu<sup>46</sup> region sought clarification from the

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<sup>43</sup> Also known as the ‘Sealords Deal’.

<sup>44</sup> Foreshore refers to the land between high and low-tide marks. Seabed refers to the land from the low tide mark out to the sea, it is the land beneath the ocean.

<sup>45</sup> Ngati Apa, Ngati Koata, Ngati Kuia, Ngati Rarua, Ngati Tama, Ngati Toa, Rangitane, and Te Atiawa.

<sup>46</sup> Short for Te Tau Ihu o Te Waka ā Māui, referring to the northern region of the South Island of Aotearoa.

Māori Land Court regarding whether the seabed under the Marlborough Sound was Māori land. The iwi were concerned that the privatisation of coastal space in the Marlborough Sound meant that they were locked out of the marine farming tendering process (Sullivan, 2017). Under s132(1) of the Te Ture Whenua Māori Act 1993, the Court holds the mandate to investigate title to Māori customary land, which includes land below the ocean (s4(a)(ii)) (Te Ture Whenua Māori Act 1993).

Although the Māori Land Court ruled in favour of the iwi, the Attorney-General and non-Māori respondents appealed the decision to the Māori Appellate Court who stated a case for the opinion of the High Court (NZLII, 2011). In his verdict regarding ownership of the foreshore, High Court Justice Ellis adopted the ruling of the case *In Re the Ninety-Mile Beach* case that because title to adjacent dry land had been determined as Crown land, this automatically extended to the foreshore. Furthermore, he also ruled that the seabed could not be deemed as Māori land as it had always been owned by the Crown by virtue of s7 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (NZLII, 2011).

Although the Crown undertook six weeks of consultation with Māori before the Bill was passed as law, many Māori were of the view that the consultation was merely a token gesture, that it was too short and that the Crown had “already made up its mind” (Waitangi Tribunal, 2004, p. xii). Nevertheless, Charters and Erueti (2005) state that just under 4,000 submissions were received, 94 per cent of which were opposed to the Bill. In addition, the Waitangi Tribunal produced a report<sup>47</sup>, which found that the “[Foreshore and Seabed] Policy breaches the Treaty of Waitangi in ways that [they] regard as fundamental and serious” and recommended the Crown “go back to the drawing board and engage with Māori in proper negotiations about the way forward” (Waitangi Tribunal, 2004, p. ix). Despite the overwhelming opposition of the Bill by Māori and the Tribunal’s recommendations to “go back to the drawing board” (Waitangi Tribunal, 2004, p. ix), the Bill was passed as law on 24 November 2004 (Foreshore and Seabed Act 2004).

In protest, Cabinet Minister Tariana Turia refused to support the Bill and left the Labour party, going on to form the Māori Party. The birth of the Māori Party was fuelled by political support based on the resentment of Māori toward the new legislation and the Labour-led

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<sup>47</sup> The report is entitled “Report on the Crown’s Foreshore and Seabed Policy WAI 1071”.



Coalition Government's disregard of Māori rights. The passing of the legislation also sparked nationwide protest by Māori which led to a hīkoi (protest march) on 22 April 2004 from Te Rerenga Wairua<sup>48</sup> to Wellington<sup>49</sup> increasing momentum on its way south. The hīkoi culminated in 50,000 protesters marching onto parliament on 5 May 2004 (Fairfax New Zealand Limited, 2009).

In 2005, the Treaty Tribes Coalition (representing Hauraki iwi, Ngāi Tamanuhiri, Ngāti Kahungunu and Ngāi Tahu<sup>50</sup>), complained to the United Nations Committee on the Elimination of Racial Discrimination that the Government of Aotearoa had extinguished Māori rights to the foreshore and seabed, which they claimed discriminated against Māori (Jackson, 2005). The Committee agreed, finding that the Foreshore and Seabed Act (FSA) and extinguishment of Māori rights indeed discriminated against Māori; and the FSA urged the government to take remedial steps to address this. In 2008, a change in government saw the National Party take office and the formation of an alliance between the National and Māori parties. A condition of the alliance was that the two parties would, within that political term, review the FSA to “ascertain whether it adequately maintains and enhances mana whenua” (Māori Party, 2008). In 2010, the government announced that the FSA would be repealed and replaced by a new law, the Marine and Coastal Area (Takutai Moana) Act 2011. This new law would be based on a “non-ownership model for the public foreshore and seabed [and] restore the right of Māori to access the High Court to seek customary title” (New Zealand Government, 2010).

Although the FSA deals primarily with Māori land rights and not with fishing rights, it nevertheless provides important context for this study as it illustrates how legislation has impacted on the ability of iwi to develop their own interests in the marine farming sector, which has inhibited their rangatiratanga in the MSS. It also highlights the determination of iwi in defending their rangatiratanga and rights and the lengths they are willing to go to for the security of these rights.

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<sup>48</sup> Maori name for Cape Reinga.

<sup>49</sup> A distance of 1,069 km (664 miles).

<sup>50</sup> Who collectively hold customary title for approximately 60 per cent of Aotearoa's coastline.

## **2.6 Kermadec Sanctuary Proposal: Here We Go Again**

The most recent clash between Māori and the Crown over Māori fishing rights is the National-led coalition government's attempts to establish the Kermadec Ocean Sanctuary in 2016 without first consulting Māori. This is despite the customary fishing rights of Māori in the area allocated under the 1992 Deed of Settlement. This further highlights the vulnerable nature of Māori customary fishing rights. The area of the proposed marine sanctuary equates to 15 per cent of Aotearoa's Exclusive Economic Zone and is twice the size of Aotearoa's land mass (Key, 2015, 0:29). In practice, MfE (2016) states that the Sanctuary will prohibit "commercial fishing and aquaculture, recreational fishing, fishing-related tourism and oil, gas and mineral prospecting, exploration and mining" in the area.

In 2015, the then Prime Minister of Aotearoa, John Key, made the surprise international announcement regarding the establishment of the sanctuary. Tuuta (2016) states that iwi were frustrated at the Crown's disregard for Māori fishing rights in the area and lack of consultation with Māori. Although Te Ohu Kaimoana (TOKM) sought to negotiate with the Crown on behalf of iwi to find a mutually agreeable solution, this could not be reached and negotiations between the two sides failed. Announcing the breakdown in negotiations between the Crown and Māori over the issue and TOKM's decision to pursue litigation against the Crown, TOKM Chairman Jamie Tuuta stated at a media conference that:

Had Māori been asked for their view on the proposal before the Prime Minister surprised everyone with his international announcement, we could have entered into a sensible discussion about its impact on Māori rights and how they could have been accommodated in a way which allowed both Treaty partners to support the proposal. (Tuuta, 2016)

At the time of writing this study, the Bill has reached its second reading where the House of Representatives debate the Select Committee's report and vote on the bill. However, with a newly-elected Labour-led Coalition Government looking to take a fresh look at the issue, discussions now include the feasibility of a Treaty of Waitangi clause in the Bill. On Waitangi Day 2018, the Prime Minister, Jacinda Ardern, vowed to listen to Māori and to "work collectively to find a resolution" (Ardern, 2018). The Prime Minister's willingness to

work with Māori represents a glimmer of hope for Māori fishing rights and kaitiakitanga in the Kermadec region and perhaps in the wider sense of Māori rights moving forward. Nonetheless, given that government terms are for a period of three years, this can lead to a sense of insecurity and uncertainty for Māori, as Māori never know how the next government is going to treat these rights, hence why the Kairangahau describes Maori customary fishing rights as a ‘political yo-yo’.

## **2.7 The Environment, Fish Stocks and Kaitiakitanga**

Two of the greatest threats to the long term sustainability of the ocean, and human security, is global warming and ocean acidification. According to the UN (n.d.), global warming is caused by industrialisation, certain farming methods and the felling of forests which have led to increased CO<sub>2</sub> levels in the environment. Gordon-Clark (2012) and Tisdell (2008) both agree that global warming is causing higher sea levels which is impacting on small island nations in the South Pacific, threatening their communities and way of life.

Furthermore, CO<sub>2</sub> emissions are also blamed for ocean acidification. UNDP (2017) explain that when CO<sub>2</sub> enters seawater, it forms carbonic acid which lowers the pH of the ocean, and ultimately leads to higher acidity levels in the ocean which has significant repercussions for the ocean’s ecosystem. UNESCO (2017) adds that since the start of the Industrial Revolution, ocean acidity has increased by 30 per cent. These higher acidity levels in the ocean make it difficult for ocean organisms to form their calcium carbonate shells resulting in their inability to survive. This is also affecting phytoplankton, the base of the ocean food chain, coral reefs, shellfish and molluscs and has the potential to lead to the downfall of the entire ocean ecosystem (UNDP, 2017). Kaikōrero Rakahore reinforced that “everything is vulnerable, particularly shell fish such as pāua”.

Among the issues facing the seafood industry are the problems of bycatch<sup>51</sup> and discarding<sup>52</sup>. As most discarding is unreported (Bremner, Johnstone, Bateson & Clarke, 2009), large-scale

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<sup>51</sup> Any part of the catch that is unused or unmanaged is classified by Davies, Cripps, Nickson, and Porter (2009) as bycatch.

<sup>52</sup> Discarding on the other hand, is defined as “the portion of the total catch which is thrown away ... [and] ... may be comprised of single or multiple species and [sic] may be alive or dead” (FAO, 2010, p. 22). According to Condie, Grant, and Catchpole (2014), Discarding results from catching species that are below minimum legal size, do not meet quota composition requirements, are of low quality or have low market value and are therefore discarded at sea.

discarding can result in inaccurate stock inventories leading to inaccurate quota allocations. Discarding can also cause stock shortages which can be dangerous for threatened species. Although it is difficult to completely avoid bycatch, Condie, Grant and Catchpole (2014) suggest the use of discard bans as a means to reduce discards resulting from bycatching, although notes that their effectiveness is subject to the degree of compliance by fishers. They also found that compliance is likely to be higher if surveillance cameras are fitted on board to monitor catches; although ongoing surveillance would prove costly. Aotearoa and the MSS is far from immune to discarding. A recent study<sup>53</sup> reveals that bycatch and discarding has historically been a significant problem within the seafood industry in Aotearoa.

A consideration of the environment and the abundance of fish stocks is integral to this study as both of these hold significant bearing on the ability of Māori to exercise rangatiratanga and kaitiakitanga in the MSS. This is because if fish is depleted or if the environment is polluted, there will be nothing left for Māori to tiaki (protect, guard).

## **2.8 Conclusion**

This chapter highlights the extremely vulnerable nature of Māori customary fishing rights, despite their being guaranteed to Māori under Te Tiriti and subsequent settlements. If these fishing rights are lost, so too is the ability of Māori to exercise rangatiratanga and kaitiakitanga in the MSS. The Foreshore and Seabed Act and Kermadec Sanctuary examples show how the Crown is able to extinguish Māori customary fishing rights at will, without widespread Māori consultation or consent. If the Crown is able to extinguish Māori rights as in these examples, theoretically it will be able to do so with any other rights possessed by Māori. This is why TOKM (2017) asserts that iwi must work to build unity so that individual tribal rights can be protected under the security of collective Māori fishing rights.

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<sup>53</sup> The study, published by Simmons et al. (2016), finds that during the period 1950-2013, approximately 24.7 million tonnes of catch went unreported, in contrast to the 15.3 million tonnes that was reported.

## ŪPOKO TUATORU (CHAPTER THREE): RANGATIRATANGA INHIBITED AND ENHANCED

*“In essence, Māori sovereignty seeks nothing less than the acknowledgement that New Zealand is Māori land, and further seeks the return of that land. At its most conservative it could be interpreted as the desire for a bi-cultural society, one in which taha Māori receives an equal consideration with, and equally determines the course of this country as taha Pākeha<sup>54</sup>. It certainly demands an end to monoculturalism”.*

*Donna Awatere-Huata (Awatere-Huata, 1984, p. 10)*

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### 3.1 Introduction

Chapter Two analysed relevant historic and current events that have shaped the modern day MSS. Chapter Three will build on these events and examine the factors which inhibit and enhance the exercise of rangatiratanga within the MSS. As stated in the literature review, for the purposes of this study, rangatiratanga is described as a “rejection of assimilation and a conviction that Māori futures will be best served by Māori leadership and control” (Durie, 2011, p. 52). To give further context, Maaka and Fleras (2000, p. 99) state that rangatiratanga includes

Māori sovereignty, Māori nationhood, self-management, iwi nationhood, independent power, full chiefly authority, chiefly mana, strong leadership, independence, supreme rule, self-reliance, Māori autonomy, tribal autonomy, absolute chieftainship, trusteeship, self-determination

This chapter will draw on Smith’s (2003) ‘inside-out model of transformation’ as discussed in Chapter One’s theoretical framing to analyse these inhibiting and enhancing factors. To recapitulate, Smith recommends that Māori first confront the coloniser by moving from a reactive focus on decolonisation to a proactive focus on Māori needs, aspirations and preferences as a driver for development. Secondly, Smith also recommends that Māori

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<sup>54</sup> Mainstream New Zealand.

challenge their own thinking, given that colonisation diminishes indigenous people's ability to imagine a state of freedom without the oppressor.

### **3.2 Factors Inhibiting Rangatiratanga**

The following have been identified through the interviews as factors inhibiting rangatiratanga and will be discussed in this section.

- The limited resources available to iwi limiting what iwi can do;
- As a result of the limited resources available to iwi, many iwi do not own the infrastructure or equipment to be able to harvest, process and sell their own quota;
- Consequently, many iwi lease their quota;

Finally, this section questions whether rangatiratanga is possible without full autonomy.

#### *Limited Resources Limit Engagement*

Limited engagement by Māori with government and the wider industry can severely affect the rangatiratanga of Māori in the MSS. Unfortunately due to insufficient resources, many iwi are not able to engage effectively. A lack of representation, or minimal representation by Māori and iwi can lead to important decisions being made without Māori or iwi input, again placing Māori in a vulnerable and reactive position instead of being able to proactively influence the decisions being made.

Kaikōrero Ngata highlighted the importance of a collective iwi voice in achieving rangatiratanga where he stated that:

A huge part of the responsibility of iwi is the ability to respond to government and to make our voices heard. Māori must have the ability to respond but not all iwi are resourced to be able to do so. Therefore iwi rely heavily on groups such as Moana New Zealand and Te Ohu Kaimoana and iwi groups active in the area, to represent them on these issues. There is always room for improvement and we need to come

together as a group. The Kermadecs issue is an example where if iwi come together and take a stand on something, the government will listen.

Kaikōrero Loughlin asserted that “engagement is key to rangatiratanga; however iwi are not resourced to be able to actively engage, usually because of size and capability”. He continued by stating that “capability and capacity is limited [and that] kaitiakitanga for many iwi is a conscious choice about active allocation of time and resources towards different issues”. Under the status quo, it is difficult for Māori to achieve rangatiratanga according to Smith’s (2003) model, as limited resources and ability to engage inhibits Māori from focusing on Māori needs, aspirations and preferences as a driver for development.

### *Lack of Ownership*

Rangatiratanga in the MSS requires that Māori possess and exercise proprietary ownership rights. However, it is important to recognise that the concept of humans owning parts of the natural environment was foreign to pre-European Māori; rather Māori believed that “man belonged to the earth. Man as well as animal, bird, [and] fish, could harvest the bounty of mother earth’s resources but they did not own them” (Marsden, 1992, p. 15). This relationship with the earth endowed man with the obligation to care for it which is where the notion of kaitiakitanga originates. Turia (2010, 1:54) argues that although Māori did not traditionally use the concept ‘ownership’ in pre-European Aotearoa, that kaitiakitanga is a term which equates to ownership albeit from a Māori perspective, meaning that iwi and hapū (sub-tribe) did own the foreshore and seabed pre-1840. She warns that when Māori-cultural terminology is defined by non-Māori that its meaning becomes distorted as seen in this case.

Kaikōrero Tau argued that true rangatiratanga and kaitiakitanga can only be achieved if Māori own the whole of a taonga as this gives them power to control its use. He suggests that “Ngāi Tahu should buy up all the eel quota and dominate and control the fishery, within the QMS of course”. He further adds that:

Dominance in property rights brings tino rangatiratanga which then allows Māori to be Kaitiaki. To solve the problem long term, we need to buy quota which will give

jurisdiction over mahinga kai<sup>55</sup> and land and enhance the iwi or hapū to stop the council from doing things. You can only truly be Kaitiaki when you own the whole lot of the land, quota or waterway.

Although iwi currently own quota, many iwi do not own fishing vessels or the infrastructure needed to process the fish, which is an impediment on rangatiratanga as some of these iwi are reliant on other businesses for harvesting and processing their quota. Kaikōrero Samuels acknowledged that as long as iwi are in this situation, there will be a reliance on non-Māori businesses. Furthermore he acknowledges the ideological clashes that may occur in working with non-Māori organisations although it is important for Māori to maintain their independent thinking. He states that:

Iwi own quota but we need vessels, processing and other components of the value chain that sit outside of iwi ownership so we recognise the need to work with all these other components. In terms of leadership though, we need to remain separate in how we think.

Although Māori and non-Māori partnerships can add significant reciprocated value to each other, there is a risk that tikanga and whakaaro Māori<sup>56</sup> could be undermined as the Māori counterpart may be tempted to relax their tikanga around kaitiakitanga in order to accommodate their non-Māori partner. For example, this could include compromising on standards around waste disposal, fish discards or seabed damage. This is why Kaikōrero Samuels warned iwi in such arrangements to maintain tikanga and remain separate in how they think. However, the Kairangahau asserts that as long as there is a degree of reliance on non-Māori businesses to harvest, process or sell Māori quota, this will always present an impediment to rangatiratanga.

### *Quota: To Lease Or Not To Lease?*

In connection with a lack of ownership rights, a significant impediment on rangatiratanga, particularly for iwi in this case, is the non-ownership of fishing vessels. The majority of Kaikōrero advised that most iwi do not own their own fishing vessels or fish their own

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<sup>55</sup> Traditional food gathering sites (a term often associated with Ngāi Tahu).

<sup>56</sup> Uniquely Māori ways of thinking based on tikanga Māori.



Annual Catch Entitlement (ACE). This was commonly attributed to the significant costs involved in procuring and maintaining the vessels. Several Kaikōrero also noted that in numerous cases, iwi quota is leased out to businesses who have the vessels and can fish the quota although many of these businesses are non-Māori owned. Because of the small shares of quota allocated to the smaller iwi, Kaikōrero Samuels recommended that iwi pool together their resources so that greater value can be generated for iwi. He states that:

The ICP<sup>57</sup> model pools all the 15 iwi quota together which is about 17,000 tonne per year to achieve greater value and influence the companies we work with. It's the best way for small to mid-sized iwi to work because someone is always committed to overseeing and managing the quota. Alternatively, they could manage it themselves but many iwi aren't resourced to be able to do this.

Māori quota being harvested by non-Māori businesses represents a loss of rangatiratanga, and therefore kaitiakitanga, due to Māori having to rely on non-Māori to fish Māori quota. Furthermore, given that the quota is leased to an external company, the iwi could lose visibility and oversight on whether the fish is caught sustainably and in accordance with tikanga<sup>58</sup>. During the course of the interviews, discussions on the relationship between kaitiakitanga and vessel ownership raised several interesting views. For example, Kaikōrero Samuels asserted that:

Ultimately, the only ones who know truly and honestly what's going on are the fishers themselves because they're on the boats and see what's happening at the operational level every day and have first-hand experience. Only they know exactly how much fish is being discarded, how often a net gets lost or how many birds are caught etc. The nature of iwi quota ownership is that they don't own the boats or fishermen. They supply their quota into a company that owns the boats and fishermen or subcontracts. It's one of these two models. Without having a direct line, no one knows exactly what goes on at sea. There are two filters here. Firstly, even the company that owns the vessels only know what their fishers are telling them but there is no guarantee that what they're saying is true. The second filter is the

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<sup>57</sup> Iwi Collective Partnership. Explain ICP.

<sup>58</sup> Such as avoiding discarding, high-grading, over-fishing and avoiding the capture of females with eggs or pups.

conversation between the iwi quota owner and the company but there is only so much the company will allow you to know.

This is consistent with Bremner et al.'s (2009, p. 504) assertion that "the decision to discard is ultimately made by the individual with the fish in-hand. The incentives of the firm and the individual crew member may not always be aligned". Thus, evidence suggests that vessel ownership brings with it a greater degree of control, rangatiratanga and kaitiakitanga. However, in the case of Ngāti Porou<sup>59</sup> Seafoods Limited, Kaikōrero Dewes insisted that although the iwi leases out its quota, it retains a large degree of oversight on how the quota is fished, stating that:

The vessels have a catch plan and Ngāti Porou Seafoods receive quality assurance reports from the partners about the catch and compliance. There is also an audit process that the Board has access to so that they're able to also have influence and control from that perspective too.

Furthermore, Kaikōrero Ngata added that although Ngāti Porou Seafoods does not own its own vessels and catch its own quota, it does prefer to work with Māori-owned fishing companies that have vessels such as Moana New Zealand, Sealord and Port Nicholson Fisheries. He also states that the iwi's non-ownership of fishing vessels has allowed it to incorporate independent fishing companies owned by descendants of Ngāti Porou, thus sharing the benefits throughout the wider iwi.

Referring back to Smith's (2003) model, as long as there is a degree of reliance on non-Māori to harvest, process and sell Māori quota, this will always present an impediment to rangatiratanga. Smith asserts that Māori must move away from a reliance on non-Māori in order to truly achieve rangatiratanga.

### *Is Rangatiratanga Possible Without Full Autonomy?*

Because rangatiratanga infers the ability to regulate one's own affairs, it is difficult, or impossible, for Māori and iwi to exercise rangatiratanga in the current environment due to the

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<sup>59</sup> Ngāti Porou is the name of a tribe based at the East Coast of Aotearoa.

requirement of Māori to conform to the laws enacted by the Crown. For example, the Crown ultimately determines the laws that govern the seafood industry, within which the MSS sits. While the government may consult with Māori, anecdotal evidence suggests that it has acted poorly in this regard. In the past, it either failed to consult with Māori (as seen in the Kermadec Sanctuary example), or if consultation was attempted, it was poorly carried out (as seen in the Foreshore and Seabed example). In a practical sense, because the Crown determines the laws that regulate the seafood industry, it arguably holds rangatiratanga over the industry, not iwi. This is despite rangatira being guaranteed “full exclusive and undisturbed possession” of their fisheries in the English text of the Treaty and tino rangatiratanga over their taonga (including fisheries), in Te Tiriti.

When asked about the difference between the MSS and the mainstream NZ seafood industry, Kaikōrero Mikaere retorted that there are no inherent differences. He asserts that:

It’s all the same because of the QMS. The rules apply across the board regardless of whether you’re Māori or not. The Māori portion of the seafood system is all part of the mainstream system [...] Decisions for the management of commercial fisheries are made outside of any kaitiakitanga considerations and Māori have to abide by these rules so it’s difficult for Māori to exercise kaitiakitanga.

In relation to the land returned to Ngāi Tahu under the Settlements, Kaikōrero Tau added that:

The land was returned to Ngāi Tahu under crown title which operates within Pākeha<sup>60</sup> jurisdiction and fiscal legislation that determines fiscal powers which is directed by the Crown. So even though we have the land back, all it has done is assimilated us more quickly into the Pākeha economy. The same must apply to fisheries and fish. My view is that what Māori settlements need with land is jurisdiction and tino rangatiratanga over the land which gives us the right to regulate, consent, zoning, jurisdiction, authorities and the whole process over the land including the right to taxation and rates and everything else. But in the current state, all our money goes to the Crown. So what we’re doing is building the Pākeha

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<sup>60</sup> New Zealander of European descent.

economy and assimilating into it more quickly. Māori bought into the QMS which is based on an economic theory from the West and I'm not sure how we break out of it.

It is for this reason that Kaikōrero Tau advocated that Māori buy up all the fisheries quota so as to dominate the industry, which would bring rangatiratanga. Since the signing of the Treaty of Waitangi in 1840, Māori have realised that the tino rangatiratanga of their taonga katoa (all prized possessions) guaranteed under Te Tiriti would not come easily or without a struggle. One of the greatest struggles for rangatiratanga in recent Māori history, as noted in Chapter Two, was the Foreshore and Seabed crisis of 2004. Despite claims by Māori of customary title to the foreshore and seabed, and the Court of Appeal ruling that the case could be heard by the Māori Land Court, the Labour-led Coalition Government of the time passed the Foreshore and Seabed Act 2004. This vested ownership of Aotearoa's foreshore and seabed with the Crown and removed the right of Māori to a fair judicial hearing to determine ownership (Stavenhagen, 2006, p. 13). This resulted in the confiscation of Māori ownership rights to 15,000 kilometres (9,320 miles) of coastline and extensive areas of seabed, in what Lowe (2004) described as the "largest confiscation in our time".

In a similar fashion, the National-led Coalition Government of 2015-2017 proceeded to establish the Kermadec Ocean Sanctuary that would extinguish Māori customary fishing rights, without first consulting Māori. In a media statement following the breakdown of negotiations between TOKM (on behalf of iwi) and the Crown on the matter, TOKM Chair Jamie Tuuta remarked that:

This process raises questions about how we live together as New Zealanders. When the Crown signs up to an agreement, does it really intend to live up to that agreement? Is it OK for New Zealand to live up to its foreign treaties and agreements but break its promises to our own people whenever it feels like it? (Tuuta, 2016).

The greatest challenge facing modern-day Māori and iwi in the pursuit of rangatiratanga is that they operate in a non-Māori society which is based on non-Māori laws, rules and regulations dictated by a non-Māori government with no independent Māori voice. While it is true that Māori have greater input into the framing of fisheries laws in the post-settlement era, these laws are still largely and ultimately determined by the Crown. As long as Māori are

subject to non-Māori laws and operate within such an environment, it will be difficult to achieve rangatiratanga in its truest sense as Maori are unable to freely and independently regulate their own affairs. Therefore, the answer lies within the question itself as rangatiratanga can only be achieved through full autonomy. Hence, to re-word the question, “is rangatiratanga possible without rangatiratanga?” Clearly, the answer is ‘no’.

### **3.3 Factors Enhancing Rangatiratanga**

The following factors enhancing rangatiratanga (as identified in the interviews) will be discussed in this section. The factors are:

- Knowledge as an enhancer of rangatiratanga;
- Rangatiratanga achieved through Māori collaboration and collective mass.

#### *Knowledge Enhances Rangatiratanga*

A vital ingredient of rangatiratanga is knowledge. The greater the degree of knowledge, the better Māori are placed to determine their own destiny. Several Kaikōrero commented on the need for greater knowledge of varying types within the MSS. This includes knowledge of how to balance tikanga and mātauranga Māori with business management requirements as well as scientific research so that better-informed decisions can be made. While some Kaikōrero acknowledged the intrinsic value of mātauranga Māori, they also felt that this needed to go hand-in-hand with western knowledge. In this respect, Kaikōrero Samuels stated that:

The Kaupapa Māori approach needs to be better informed with research, knowledge and debates around the best pathway forward for Māori. There’s a big gap in our knowledge here about how to connect the two sides of tikanga Māori and tino rangatiratanga with the practical side of running a successful business.

As Kaikōrero Pokaia recognised, “in the Māori world, we don’t have all the answers. That’s why we need to work together with other people”<sup>61</sup>. However, it is possible for this new research-based knowledge to become adopted into mātauranga Māori, as shown by Mead (2012, p. 14), who points out that:

[Māori] actively try to protect what was traditionally ours and we take from others what might be useful to us. Mātauranga Māori is thus made up of a core of traditional knowledge plus the values and ethics that go with it and new knowledge, some of which we have added as a result of our discoveries and research, and some we have borrowed outright from western knowledge and from our experiences of living with exponents of other belief systems and other knowledge systems. We are now reshaping, rebuilding, reinterpreting and reincorporating elements of mātauranga Māori to make it fit the world that we live in today.

This can be linked to the counsel given by Tā (Sir) Apirana Ngata<sup>62</sup>. He recognised the value that both Western and Māori knowledge systems could be used to enrich and sustain Māori into the future. He urged Māori: “Ko ō ringa ki te rākau a te Pākehā Hei ora mō tō tinana; Ko tō ngākau ki ngā taonga a ō tīpuna Hei tikitiki mō tō māhunga (the tools of the Pākehā for your physical well-being, remembering in your heart the works of your ancestors which are worthy of being worn as a diadem upon your brow) (National Library of New Zealand, 1965).

<sup>63</sup> The Kairangahau interprets this as an endorsement of the incorporation of Pākehā tools and knowledge to be used alongside tikanga Māori in the running of a Māori business.

Although knowledge is noted here as an enhancing factor of rangatiratanga, a number of Kaikōrero mentioned that there is a knowledge gap between science-informed best practice and how business management requirements can be balanced with tikanga Māori. This could be an area of focus for the MSS into the future.

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<sup>61</sup> Transcript: “Ehara kē i te mea nō tātou katoa ngā whakautu i tēnei ao, te ao Māori e korero nei au. Me mahi ngātahi tātou”.

<sup>62</sup> Tā Apirana Ngata was an influential Māori leader and prominent politician and Lawyer from the East Coast of Aotearoa. He was the first Māori to graduate from a New Zealand university.

<sup>63</sup> Translated from te reo Māori. See Appendix 2 for the full whakataukī and its English rendition.

## *Māori Collaboration and Collective Mass*

A key message that emerged with the majority of Kaikōrero is that in order to achieve rangatiratanga, Māori must unite to create a collective mass within the industry. Kaikōrero recognised that if all the individual capability, knowledge and resource of iwi combined, this would allow Māori to have greater influence and autonomy within the industry as illustrated here by Kaikōrero Kahutara:

If Māori work together collectively, we could control the fishing industry. We are too fragmented. Collectively we've got economies of scale, we can tell the industry how it works but as long as we act individually it won't happen. Shane Jones said "if we use our heads and work in a collaborative manner, we can be the Fonterra of the sea".

In addition, Kaikōrero Loughlin stated that "through collaboration we can achieve a lot more than working individually. The ICP is a form of rangatiratanga on behalf of the 15 iwi it represents". Thus as Māori and iwi work together and increase their control in the greater Aotearoa seafood industry, their ability to influence the way it is regulated will also increase. As their influence within the industry increases, this will present the ideal opportunity for Māori to lead the way in the application of greater kaitiakitanga-based decisions, such as reducing pollution, fish discards and seabed damage. However, greater control will likely be possible only as Māori and iwi join forces under a collective pan-tribal Māori banner. An example of this collaboration between iwi is the Iwi Collective Partnership. Referring to the ICP, and the rationale for iwi collaboration, Kaikōrero Samuels stated that:

We're all new to the industry and only in the last ten years have we been landed with managing our fishing assets. We're on a fast track to grow our expertise as much and as quickly as possible. This is why ICP prefer joint ventures with companies so we can extract that experience through sitting around the board table instead of just leasing off quota to a broker.

A further example of rangatiratanga created through Māori collaboration within the industry is the 2016 merger between Moana New Zealand and Port Nicholson Fisheries to create

Aotearoa's largest Māori owned lobster company (Moana New Zealand, n.d.). These examples of Māori collaboration are an embodiment of Kaikōrero Ngata's hopes for the future of the MSS. He stated that:

Māori have done a lot but can do a lot more to be more influential and controlling in the industry into the future. Māori need to drive itself as a collective because individually we won't get far considering other stakeholders present today who are also fighting for their rights. I'm pushing for more collaboration through iwi groups in the deep sea and inshore fisheries. The ICP is a prime example of this and what can be achieved as is Port Nicholson Fisheries in the Kōura<sup>64</sup> area.

These words are consistent with the spirit of Kīngi Tawhiao's<sup>65</sup> words when he said "ki te kotahi te kākaho ka whati, ki te kāpuia e kore e whati" (when reeds stand alone they are vulnerable, but together they are unbreakable) (Ross, 2015, p. 8). This suggests that as Māori and iwi work together that they will be able to exercise greater rangatiratanga within the MSS through a unified voice in the preservation of their customary fishing rights.

### 3.4 Conclusion

Rangatiratanga can be achieved in the MSS as iwi come together to share information, ideas and pool together resources to increase influence and dominance within the industry. If iwi create this collective mass, it can lead to an expansion of Māori-owned value chains and Māori-owned vertical integration. Moana New Zealand is a classic example of a company that is fully Māori-owned and which has operations across the full breadth of the inshore quota value chain from harvesting to processing and marketing and sales (TOKM, 2017).

Not only will profits stay with Māori, it will also help to create employment opportunities with Māori quota harvested, processed and sold by Māori thus also bringing a greater sense of satisfaction for Maori and iwi. A greater collective presence in the industry can also lead to a stronger and unified voice when dealing with the government because as was highlighted in Chapter Two, the continued existence of Māori fishing rights is never guaranteed.

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<sup>64</sup> Crayfish/lobster.

<sup>65</sup> Kīngi Tāwhiao was a Paramount Chief of the Waikato people, he was the second Māori King and influential religious leader.



Kaikōrero Mikaere forecasts a greater Maori presence within the industry in the years ahead and emphasises the importance of maintaining and building the iwi share of quota ownership. A greater collective presence would also allow greater resourcing to be allocated to growing talent, capacity, capability and research to guide better decision making within the MSS. It will also allow greater industry engagement and participation by ensuring the Māori voice is heard where it matters most. On the other hand, with the limited resources available to iwi in their isolated and individual state, much of this development will be difficult or impossible to achieve.

## ŪPOKO TUAWHĀ (CHAPTER FOUR): KAITIAKITANGA INHIBITED AND ENHANCED

*“Tūhoe recite their whakapapa as a place where the mist maiden married the mountain and from that came Pōtiki, and many, many generations later, the Tūhoe people [...] So, if we were to find out where the mist comes from and how long the mountains have been here, then you would answer your questions about who Tūhoe are and where they come from [...] we are attached to nature, we are attached to Te Urewera”.*

*Annabelle Lee (as cited in Kruger, 2017)*

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### 4.1 Introduction

Chapter Three discussed the factors enhancing and inhibiting rangatiratanga, which provides the basis and context for this chapter on kaitiakitanga. While rangatiratanga deals with the struggle of Māori for their rights to determine their own affairs, kaitiakitanga by contrast is concerned with guardianship over the environment.

Given that this chapter deals with kaitiakitanga, it is appropriate to review here the description of kaitiakitanga adopted for the purposes of this study as noted in the literature review. It is, as Cram et al. (2008, p. 147) describe it, “the Māori environmental ethic [which] determines how Māori interact with the environment”. The chapter will draw on the theories of ‘dissociation’ and ‘relational wisdom’ as discussed by Spiller et al. (2011) to analyse the factors inhibiting and enhancing kaitiakitanga. According to Kaikōrero Tipoki:

kaitiakitanga describes the relationship between humans and the Gods. There are many levels of kaitiakitanga. You could be the kaitiaki of your garden, your children or family. It describes the relationship between everything and highlights the interconnected nature of all things. Reciprocity is a key idea of kaitiakitanga and understanding that your relationship with everything is reciprocal.

Indeed, as Kaikōrero Tipoki illustrates, kaitiakitanga is multi-faceted with many various and is rooted in spirituality, characterised by the Maori cosmological world view.

## **4.2 Factors Inhibiting Kaitiakitanga**

The following have been identified through the interviews as factors inhibiting kaitiakitanga and can be linked to dissociation. These will be discussed in this section.

- Technology used for destructive purposes;
- Taking the wrong sizes;
- Low accountability of recreational fishing; and
- Pollution and a general disregard for the environment.

### *Technology Can Inhibit Kaitiakitanga*

Technology has the ability to either inhibit or enhance kaitiakitanga depending on how it is used. As Kaikōrero Ogilvie stated, whether technology is used for destructive or constructive purposes depends on the underpinning worldview of the user. Used as a destructive means, however, technology has the ability to incrementally destroy the environment; and, if left unchecked over an extensive period, can lead to its utter annihilation, taking with it any prospects of kaitiakitanga. Kaikōrero Smith described how the uncomplicated technology available to pre-European Māori limited how much they could take compared to the technology available today. He states that:

In the commercial industry, modern technology has enhanced the rape and pillage of marine resources. When you had to row your boat and pull your cray pots up by hand, there was only so much you could take. You were limited by your technological abilities in what you could take. Also refrigeration has allowed people to take more than they need whereas previously you had to either dry or smoke your fish and it needed to be distributed as quickly as possible.

Further to Kaikōrero Smith, Kaikōrero Kahutara observed the practical implications of destructive technology use on the sustainability of a species of fish where he states that:

Orange Roughy on the west coast was destroyed by New Zealand fishing as a result of oversized trawl nets being used for seven years. A third of the fish caught were crushed and thrown back to sea. A friend filmed the destructive effect on the fish as the trawlers left a trail of dead fish in their path. This is being done because people put money before kaitiakitanga. Also because of the financial repercussions of landing non-target fish. Capitalism conflicts with the idea of kaitiakitanga.

This example is illustrative of some of the destructive practices taking place within the industry and MSS. Kaikōrero Kahutara also noted how technology has been used for destructive purposes in the MSS, stating that:

One of the first disputes I had with [*name withheld by Kairangahau*] was about the practice of conditioning or the use of steel mooring chains to flatten the seabed. I argued that it was a short term solution and was not sustainable because the practice was destroying the ecology of the ocean. If you destroy the ecology, you take away the source of food that attract fish into the region. I was clear that the industry needs to change and we need to get away from these types of practices. If it's detrimental to the environment, don't do it and if we're true to kaitiakitanga then we have to abide by it.

These destructive practices have taken their toll on the sustainability of fish stocks. For example, in a study where 22 Kaitiaki from 14 North Island iwi were interviewed regarding their Kaitiaki roles, Dick et al. (2013, p. 117) found that all Kaitiaki shared a common concern that “the abundance and diversity of sea foods [had] declined along much of the coastline over the past 30–50 years”. The Kaitiaki lamented the impact this has had on their ability to exercise kaitiakitanga including “severance of links between people and the food species, [...] erosion of ways that kinship is maintained, severed transmission of cultural knowledge, and impaired health and tribal development” (p. 117). These findings echo the sentiment of Kaikōrero Tipoki where he asserted that:

Over the past 25+ years, the seafood in the area has noticeably depleted, especially the decline in the abundance of crayfish. Māori are trying to compete with everyone

else. That's the western way, competition not collaboration. The depletion of stocks can be traced back to greed from all directions, including the government.

Technology used as a destructive force is underpinned by dissociation in that it ignores the fact that the ability of the ocean to sustain future generations is inextricably connected to how it is used today.

### *Are We Taking the Right Sizes?*

The practice of high grading in the MSS, similar to discarding, inhibits kaitiakitanga as it contributes to the depletion of fish stocks. Batsleer, Hamon, Overzee, Rijnsdorp and Poos (2015, p. 715) describe high-grading as “the decision by fishers to discard fish of low value that allows them to land more valuable fish”. Not only is high-grading wasteful, it also contributes to an inaccurate view of fish stock numbers. Opponents of high-grading argue that fishers should take what they catch instead of continuing to discard lower value fish till they fill their quota with higher value fish. This is consistent with Leach's (2006, p. 9) claim that the practice of taking all fish, regardless of the size, was a common practice throughout pre-European Polynesia. Consistent with Leach, Kaikōrero Kahutara related that:

At a conference in Western Australia, there was a discussion on [...] whether companies should keep throwing back smaller sizes until they get the larger sizes that they're after. We need to have this conversation as it is more sustainable to take all fish caught instead of chucking<sup>66</sup> back until a quota is filled with fish of the correct size. Australian Scientists challenged New Zealand on the idea of catch and release and said that 90 per cent of fish brought up from below 20 metres will die after release anyway.

Regarding sustainable practices around the size of fish being caught, Kaikōrero Pokaia recalled from his youth that “we would release the bigger, older eels out of respect because they were the ancestors of the other eels”.<sup>67</sup> Similarly, Kaikōrero Kahutara agreed that if fish can be harvested in a targeted manner, that the juveniles should be harvested while the larger sizes should be left to reproduce.

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<sup>66</sup> Aotearoa slang for ‘discard’.

<sup>67</sup> Transcript: “Kia tae atu ki te wā he mea mangumangu rawa, he mea tino tūpuna, ka waiho”.

## *Accountability of Recreational Fishing*

Several Kaikōrero remarked that recreational users are also contributing to the depletion of fish stocks, leading to a weakening of kaitiakitanga. These Kaikōrero argued that the regulations controlling recreational fishing are too relaxed and that there is not enough stringency around recreational fishing. Indeed, recreational fishers are not required to report their catch to MPI although it is a requirement of commercial and customary fishers.

A report published by the New Zealand Initiative<sup>68</sup> finds that “recreational fishers are partly to blame for depleting fish stocks, and there needs to be better management of the sector” (RNZ, 2016). Kaikōrero Ellison agreed, stating that “the unrestricted access from recreational fishers is also having an impact on Ngāi Tahu Seafoods’ commercial operations”. Similarly, Kaikōrero Tipoki objected that it is “unfair that recreational fishers don’t have to report their catch while customary and commercial fishers do”. In this regard, Kaikōrero Pokaia<sup>69</sup> and Dewes claimed that recreational users may be keeping within the daily catch limits, however the issue is that they return day after day, filling their freezers at home, which is unsustainable.

## *A Disregard For The Environment*

Human activity has led to severe environmental degradation which has resulted in an attack on, and weakening of, kaitiakitanga in the MSS. Such human activity can include destructive fishing methods, oil extraction at sea, seismic drilling, colossal volumes of plastic waste in the ocean affecting marine life as well as human sewerage and agricultural runoff being drained into the waterways and flowing out to sea. According to Kaikōrero Ellison, Ngāi Tahu recognises the ill-effects of land-based activities on the waterways and is actively discussing ways of addressing this.

One of the most destructive fishing methods is trawling. Because of its unselective nature, collecting everything in its path, a common characteristic is that it often results in the

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<sup>68</sup> A New Zealand think-tank that works with its members, policymakers across the political spectrum, the wider business community, the media, academics and the general public to help create a competitive, open and dynamic economy and a free, prosperous, fair, and cohesive society (The New Zealand Initiative, 2018).

<sup>69</sup> Transcript: “Tētahi o ngā kino i puta mai ko te matapiko. Ko te matapiko i runga i te kore whai tikanga te mea ko te waiwai noa iho o te waha e pīrangi au kia kai i tērā. Ka tūrāhia te pouaka tio, me pērā te kī”.

unreported bycatch and discarding of non-target species, as seen in the Hoki fisheries of Aotearoa's West Coast (Bremner et al., 2009, p. 504). While the FAO (2018) admit that further research is needed to evaluate the effect of bottom trawling on the environment, it states that bottom trawls damage the seafloor, destroy the ecology of the ocean and marine life habitat. In addition, Kaikōrero Ogilvie commented on the environmental impact of trawling stating that:

[Trawling] uses a lot of fuel and produces greenhouse gases and picks up a lot of non-targeted bycatch and the species that are caught are often damaged due to the nature of the method. We need to reduce seabed damage, bycatch and reduce the amount of resources going into the catch. For example, when trawling, engines need to be running at 80 per cent which means that a lot of fuel is being used which has spinoff effects on climate change and greenhouse gas emissions.

A further issue plaguing the MSS is oil exploration and drilling. One of the most catastrophic cases of an international oil spillage is that of Deepwater Horizon exploratory drilling platform in the Gulf of Mexico. Deepwater Horizon exploded in April 2010 due to the rupture of its wellhead 5,000 feet (1,524 metres) below the ocean's surface (Greenpeace, n.d.). This resulted in the equivalent of 4.9 million barrels of oil ejecting into the Gulf over a period of 100 days at a rate of 1,000 barrels<sup>70</sup> (Greenpeace, n.d.) per day while attempts were made to stop the leakage (UNEP, 2010). The environmental damage was unprecedented and its effects will be felt long into the future (Greenpeace, n.d.). Pahuru-Huriwai (2014) notes that the international indigenous experience with oil drilling companies has been overwhelmingly negative, which is partly why Ngāti Porou has actively opposed any oil drilling off the East Coast of the North Island. Kaikōrero Bailey provided a Taranaki perspective on the issue, stating that:

Seismic surveying is also occurring off the coast of Taranaki affecting cetaceans, krill, birdlife and other creatures. There have been about 9 oil spills in the last 15 years which have washed up on the shore.

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<sup>70</sup> 42,000 gallons or 158,987 litres.

A further issue that is affecting the mauri of the ocean is plastic waste. Kaikōrero Bailey stated that plastic waste in the ocean is one of the biggest environmental issues affecting the seafood industry, noting that a “rubbish gyre has been located in the South Pacific Ocean the size of Australia with rubbish from New Zealand. This affects marine life and has flow-on effects on the micro-organisms and bacteria that help keep our sea and even aquifers clean”. Similarly, The Centre for Biological Diversity (n.d.) states that “thousands of seabirds and sea turtles, seals and other marine mammals are killed each year after ingesting plastic or getting entangled in it”, highlight the seriousness of the problem.

Several Kaikōrero asserted that CO<sub>2</sub> emissions were causing the acidification of the ocean. This study argues that Ocean Acidification poses the greatest threat not only to Māori as Kaitiaki but to the whole of the human family due to its vast potential negative effects. Kaikōrero Smith commented on the impact of Ocean Acidification on the future state of the ecology of the ocean. He states that:

Palaeontologists<sup>71</sup> predict that by 2040/2050, the acidification of the oceans will mean that there’s a global collapse of life in the oceans. Anything with a bicarbonate shell is not going to be able to survive the acidification in its juvenile state and these species will be consumed by other predator species given that they’re at the bottom of the marine food chain. As a result, the bottom of the food chain will collapse and all other predatory species that rely on these species will also die leading to a breakdown of the entire marine ecosystem. It’s game over for the oceans.

Also, Kaikōrero Rakahore commented on the cause and effect of Ocean Acidification, that:

[It] is one of the biggest threats we’re facing. It’s the “evil twin of global warming”. It simply means that the oceans are becoming more acidic because of the changes in the chemical make-up of the oceans, as well as its temperature resulting from excess carbon dioxide in the atmosphere resulting in the lowering of pH of the water. The impact will be felt strongly in New Zealand.

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<sup>71</sup> Palaeontology is the scientific study of fossils informing the history of life on Earth (Cambridge University Press, 2018).



The effects of Ocean Acidification are becoming evident in the bleaching of the coral reefs of Australia's Great Barrier Reef, which Attenborough (2017, B1) attributes to "climate change, plastic pollution and over-fishing". Given that Ocean Acidification threatens the future sustainability of key cultural species such as pāua (abalone), kūtai (mussels), pipi (clam), tuatua (Surf Clam) and toheroa<sup>72</sup> as well as crustaceans species such as kōura (crayfish) and pāpaka (crabs), it is the biggest threat to kaitiakitanga in the MSS.

### 4.3 Factors Enhancing Kaitiakitanga

The following have been identified through the interviews as factors enhancing kaitiakitanga and can be linked to relational-wisdom. They will be discussed in this section.

- Technology used in a responsible and sustainable manner; and
- Voluntary sustainable practices.

#### *Technology Can Enhance Kaitiakitanga*

Just as technology can be used for destructive purposes, inhibiting kaitiakitanga, it can equally be used for constructive purposes to aid in sustainability and the conservation of the environment. Kaikōrero Dewes validated the sustainable use of technology, stating that:

There is pressure on the resources from acidification and temperature rises increasing pressure on the marine ecosystem. A huge driver of this pressure is population increases which will continue to grow into the future. Therefore we need the technology to help us be better at taking the food to feed the world.

Several Kaikōrero highlighted the innovative technological advances within the industry aimed at enhancing a more targeted harvest to avoid the bycatch of non-targeted species and associated discarding. One such advancement which was discussed in varying depths by Kaikōrero Ngata, Dewes, Loughlin, Rakahore and Kahutara is that of Precision Seafood Harvesting (PSH). PSH was developed through a partnership between Aotearoa Fisheries (now Moana New Zealand), Sanford Limited and Sealord with matched funding from MPI.

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<sup>72</sup> The name Toheroa is also widely used to refer to it in English.

The technology was developed and trialled through collaboration between the three companies and Scientists at Plant & Food Research Crown Research Institute (Precision Seafood Harvesting, 2014). The drive to develop PSH grew out a desire of the industry to operate in a more sustainable manner in line with kaitiakitanga. Doing away with traditional trawling nets, PSH adopts purposely-designed nets which allow bycatch of under-sized and non-targeted species to escape before the catch is lifted on board the vessel. In addition, the technology enhances fish to be caught “alive and in perfect condition” (Precision Seafood Harvesting, 2014) so that if bycatch is inadvertently caught, it can be released back to the water unharmed.

In addition to PSH, a further technological innovation developed by Māori is the use of pots to catch fish as an alternative to trawling. Kaikōrero Ogilvie shared his experience of working with Waikawa Fishing Company Limited with funding from Ngā Pae o Te Māramatanga, to design pots that would enhance targeted harvesting of deep water fin fish species, Ling and Tarakihi. Uncomfortable with the inherently destructive technology available in the industry, the Waikawa Fishing Company was driven by a desire to find a way where bycatch could be eliminated, “recognising their whakapapa-based connection with the moana<sup>73</sup>”. Kaikōrero Ogilvie stated that:

They found that pots could be used for Ling and Tarakihi. Waikawa now have a boat that only has pots and is really effective as it has almost entirely eliminated the bycatch in their Ling fisheries. This satisfies the initial questions of bycatch reduction and it is being caught with much less fuel.

Not only did the introduction of pots lead to an elimination of bycatch and less fuel usage, they also eliminated seabed damage associated with seabed trawling. The successful outcomes of the Ling and Tarakihi projects provided support for funding, from the Ministry of Business, Innovation and Employment, to carry out the project again although tailored toward the Scampi fishery. Elaborating on the Scampi project, Kaikōrero Ogilvie explained that:

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<sup>73</sup> Ocean.

The Scampi project started at the end of 2013. It's got the potting part of it but it's also got another bit which we added on, which is aquaculture. The Scampi fishery is all trawled and they also, in the trawl, capture females that carry the fertilised eggs under their tails. Those females just get put in the box and get sent to the markets just like any other individuals in the population. The Waikawa Fishing Company saw that as wasteful so we had a second arm of the research to take some of those females into a captive facility and see if we can't hatch the eggs and grow them into some more product.

Kaikōrero Ogilvie added that the Scampi husbandry project will take approximately ten to twenty years to reach a stage where any commercial benefit can be derived.

### *Voluntary Sustainable Practices*

Recognising the need to protect the environment and ensure taonga of the ocean are available for future generations, many iwi have taken and continue to take voluntary steps to ensure their practices are in line with kaitiakitanga, independent of any government directives. Iwi have also taken these steps despite the consequential financial losses incurred or the financial benefits relinquished as a result. Kaikōrero Ellison reflected on a time where such voluntary action was taken by Ngāi Tahu, stating that:

An example of Ngāi Tahu Seafoods willingly self-imposing a quota cut to assist with the rejuvenation of a species, even when it wasn't required by MPI, was when it decided to leave some oysters in the water instead of taking the whole quota. This was to help replenish the stock numbers.

Again with Ngāi Tahu, however, on a separate occasion, Kaikōrero Kahutara asserted that:

If you're going to talk about kaitiakitanga, you must practise it. An example of Ngāi Tahu practising kaitiakitanga is when the Rugby World Cup was on. MPI opened the oyster season after it had finished to provide incoming tourists with oysters. But the only quota owner that refused to participate was Ngāi Tahu Seafoods, claiming that it was against kaitiakitanga.

The stance that Ngāi Tahu Seafoods took in this instance is a further demonstration of their rangatiratanga over their fisheries, despite the request by MPI to re-open the fishery after the season had closed. In this case Ngāi Tahu chose to prioritise the well-being and sustainability of the children of Tangaroa over the provision of oysters for tourists even when doing so would have generated revenue for the iwi.

A further example of voluntary sustainable practices among iwi is given by Kaikōrero Samuels in relation to the Iwi Collective Partnership. Kaikōrero Samuels stated that:

[The ICP] voluntarily as a group decided to shelve<sup>74</sup> their quota for long-fin eel tuna<sup>75</sup> three years ago and shelve about 50 per cent of the short-fin eel. Although the long-fin eel is facing issues of abundance, there are no national issues identified with short-fin, although there may be some regional issues. This was done to recognise that eel is an important species to Māori and the need to take a more precautionary approach. This has worked out to a \$90 – \$100,000 loss for the ICP which we are happy to shoulder. This policy will hold until there is confidence around the science of it. ICP has a quota of about 24 tonne of tuna and voluntarily fish only 8 tonne of that.

Māori view the environment and all its branches as living entities imbued with mauri which can either be degraded or enhanced through the actions of human beings, as discussed in sections 1.3, 2.2 and 5.4. According to Kaikōrero Ruru, environmental degradation within the Waipoua River Catchment has caused the depletion of the local tuna population resulting in a mere one per cent of stocks remaining within the river. Consequently, Te Aitanga ā Māhaki, the iwi of the area, decided it would voluntarily shelve its tuna ACE. Although this presented cultural and financial challenges for the iwi such as a loss of income and knowledge through not harvesting the tuna. The iwi also saw it as an opportunity to assert their rangatiratanga by placing a rāhui on the tuna and engaging in customary management as Kaitiaki.

To address the issue, Kaikōrero Ruru said that the iwi committed to find a way to restore the mauri of the Waipoua River in a bid to restore the tuna population to the river. Based on the

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<sup>74</sup> Not catch.

<sup>75</sup> Eel.

knowledge gained through over 300 marae visits across the country with his Father over a 14 year period, Kaikōrero Ruru partnered together with the Gisborne District Council (GDC) to design a tool that would assess and restore the mauri of any lake, river or ocean. From this union between the iwi and the GDC came the Mauri Compass (see Appendix 3). The Mauri Compass considers twelve attributes ranging from mahinga kai activity and the use of tikanga to maintain the waterway, to the abundance of species and conditions of their habitat. Each attribute is given a score and the sum across the twelve attributes generates a mauri score which can be used as a reference point for improving the mauri of any body of water and species (Ruru, 2016). The Mauri Compass matrix is included as Appendix 3.

Kaikōrero Bailey explained why reciprocity, which is another way of seeing mauri restoration, is important to Māori. She states that:

[Reciprocity is] common sense. If you don't feed a baby, it won't grow. If you don't feed the soil in the garden, you won't get any decent vegetables. If you just take, it's not sustainable. I'm shocked at how some people just don't understand that. [Kaitiakitanga is] about reciprocity, if we look after them, they'll look after us. We're whānau<sup>76</sup> with the environment.

Kaikōrero Bailey's comment underlines a key Māori view that a one-sided relationship is unsustainable regardless of the situation or context and regardless of whether it is a social relationship or the relationship between man and the environment.

#### **4.4 Conclusion**

Technology has always played an important role in the seafood industry from pre-European times down to the present day. Prior to the colonisation of Aotearoa, Māori drew on the tools and technology that they had developed based on hundreds of years of knowledge which they had brought with them from Polynesia and adapted to the conditions and availability of natural taonga in Aotearoa in the harvest of their kaimoana (Leach, 2006). Based on this knowledge, Māori had developed effective kaimoana harvesting methods by using natural materials to craft fishing canoes, fish hooks, cordage, fish nets and traps for eels and

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<sup>76</sup> Family.

crustacean species such as crayfish and crabs. However, following the colonisation of Aotearoa, technology steadily advanced down to the present day to include a wide range of complex digital and electronic tools as well as large and powerful fishing vessels that enable a greater volume of fish to be taken.

Nevertheless, this chapter highlights the need to care for the environment as a whānau member. The mauri of the environment can be seen as an indicator of the vibrancy of its well-being, which is seen as a mirror image of the overall mauri and well-being of the people. It has highlighted how relational wisdom can be used to protect the environment and how dissociation leads to its degradation.

## ŪPOKO TUARIMA (CHAPTER FIVE): MAKING SENSE OF IT ALL

*“If there is a single message in this book, it is that Māori have the knowledge, skills and foresight to create a future where younger generations, and generations yet to come can prosper in the world, and at the same time live as Māori”.*

*Tā Mason Durie (Durie, 2011)*

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### 5.1 Introduction

The preceding chapters have presented the literature on rangatiratanga and kaitiakitanga, analysed the events that have shaped rangatiratanga and kaitiakitanga in the MSS, and reinforced these with the voices of the participating Kaikōrero. This chapter will attempt to make sense of it all, providing further discussion on rangatiratanga and kaitiakitanga in MSS. It will also introduce a model for analysing the factors that inhibit and enhance rangatiratanga and kaitiakitanga in environmental engagement, as the Kairangahau’s personal contribution to the literature in this area.

### 5.2 Literary Contribution

The Kairangahau’s contribution to the literature is a model that analogically draws on the concept of a pātaka kai<sup>77</sup> to examine the factors that inhibit and enhance rangatiratanga and kaitiakitanga in engaging with any environmental taonga. This model is presented in Figure 2 below. In the model, the pou (stilts) represent rangatiratanga. Their purpose is to raise the storehouse above the earth, giving it the strength, autonomy and mana (authority, ability) it needs to fulfil its protective function. This also highlights that kaitiakitanga is only possible because of rangatiratanga. In addition, the storehouse itself can be compared to kaitiakitanga, as its very function and purpose is to protect, preserve and safeguard the kūmara (sweet

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<sup>77</sup> A raised food storehouse. The pātaka kai was traditionally used by Māori to store and preserve food from kiore (rats) and the natural elements. It usually consisted of an intricately carved storehouse with a thatched roof. The storehouse was raised on stilts so as to protect the food from the onslaught of kiore.

potato) it holds. The ability of the storehouse to protect the kūmara is completely dependent on the strength and stability of the pou.

On the other hand, the precious kūmara within the storehouse are likened to the environment due to their need for constant protection and safeguarding. Like the environment, the kūmara are vulnerable and delicate and, if neglected, can become corrupted. The safety of the kūmara depends entirely on the ability of the storehouse to carry out its protective function.

For the kiore (rat) to access to the kūmara, it must eat away at the pou of rangatiratanga, causing the storehouse of kaitiakitanga to crumble to the earth. Once it penetrates the storehouse, the kūmara (representing the environment) is automatically destroyed. Therefore, the kiore, with its reckless tendencies and insatiable appetite, represents any factor that can inhibit both rangatiratanga and kaitiakitanga. The kiore is also a fitting symbol for inhibiting factors as although it is characterised as being reckless, it also moves about quickly and quietly insomuch that if Kaitiaki are preoccupied, this could give the kiore the opportunity it needs to devour the kūmara.



## He Kūmara, He Pātaka Kai: The Relationship between Rangatiratanga and Kaitiakitanga in Environmental Engagement

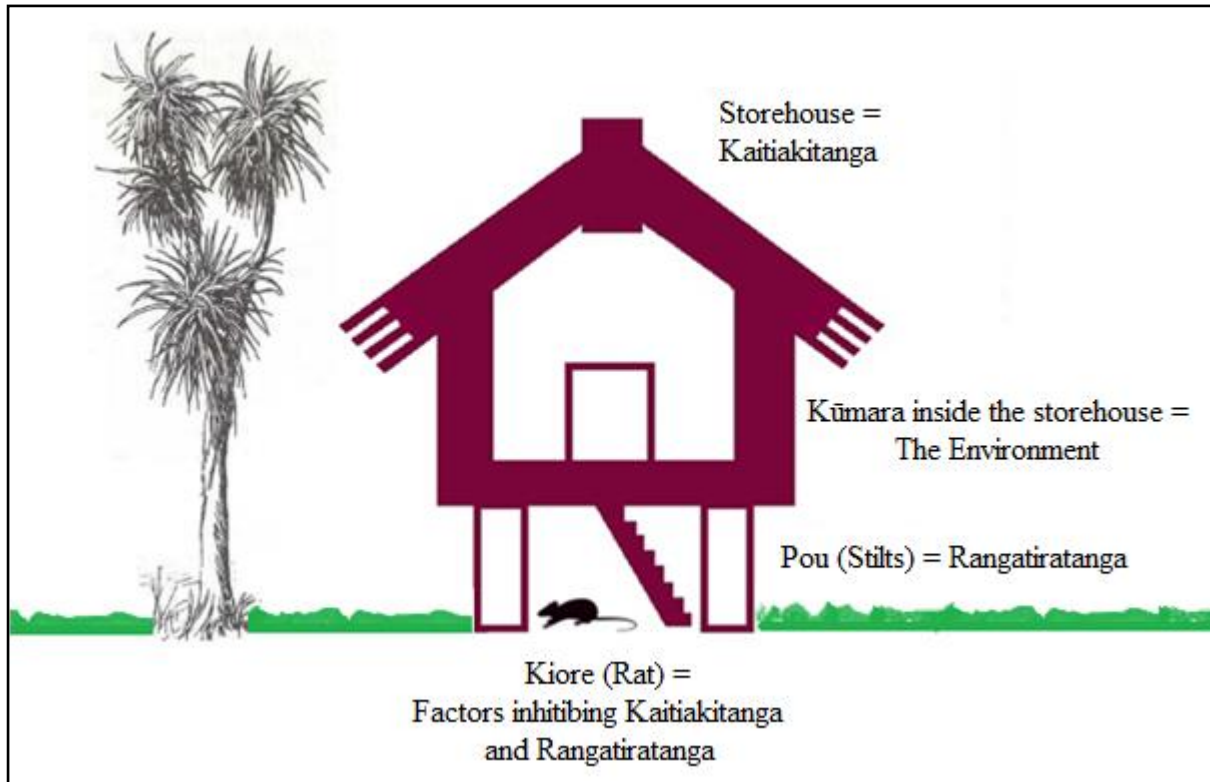


Figure 2: Matthews, B. (2018)

### 5.3 Discussion on Rangatiratanga

In the MSS, the pou of rangatiratanga upon which the storehouse of kaitiakitanga sits, can be strengthened through:

- Māori/iwi actively fishing, processing and selling fish caught under Māori/iwi quota;
- Māori control over the value-chains through vertical integration (ie Moana New Zealand);
- Industry dominance by Māori;
- Māori-Māori collaboration;
- A unified, collective Māori mass (ie the ICP and Port Nicholson Fisheries);
- Collaboration with non-Māori (if Māori values and customs can be maintained);
- Active engagement with government and the wider industry;

- Developing a wider set of capabilities, capacities, skills and knowledge within the MSS; and,
- Leading the development of innovative sustainable technologies based on tikanga Māori.

However, Māori must remain vigilant, of the kiore that can destroy this rangatiratanga. The kiore can come in the form of:

- Pressure to follow the status quo, doing what everyone else is doing even though these practices may be against rangatiratanga and kaitiakitanga.
- Colonisation of the mind making it difficult for Māori to move away from a reliance on non-Māori processes, businesses and resources;
- Māori fragmentation leading to ‘a divide and conquer’ approach by the Crown;
- Confiscation of Māori customary fishing rights (ie Kermadec Sanctuary and Foreshore and Seabed Act);
- A lack of independence and autonomy means that Māori have to ‘fit in’;
- Discriminative legislations; and,
- The non-ownership of the resources needed to catch, process and sell Māori quota.

The steps that can be taken to strengthen the pou are consistent with Smith’s (2003) recommendation that Māori focus on Māori needs, aspirations and preferences as well as challenge Māori thinking to move away from a reliance on non-Māori for Māori development.

Evidence suggests that the rangatira who signed Te Tiriti o Waitangi understood that they would retain their chieftainship and the authority to determine their own affairs within their individual tribal jurisdictions. This was the reason that Hone Heke, a Ngāpuhi rangatira, felled the British flag staff four times at Kororāreka (Russell) in 1845. Marsden (1992) relates that the felling of the flag staff was Heke’s way of asserting his sovereignty and rangatiratanga over the area. This was in response to Governor Robert Fitzroy’s disregard of Heke’s request to remove the taxes he had imposed on Pewhairangi (the Bay of Islands), arguing that he, Heke, held rangatiratanga over the area while the Crown held central national authority over the land, as stipulated under Te Tiriti. Although Heke is widely perceived by mainstream society as an outlaw and a rebel, Māori, particularly Ngāpuhi, hail his actions as heroic and view him as a symbol of resistance and rangatiratanga.

This study has illustrated that rangatiratanga in the modern day is subject to the possession and use of ownership rights and that where there is a lack of ownership rights, there will also be a lack of rangatiratanga. In pre-European Māori society, the idea of a person ‘owning’ the land or water was a foreign concept as Māori viewed the land and water as ancestors and therefore extensions of themselves. This is evident in the whakataukī (proverb) pertaining to Te Awa o Whanganui<sup>78</sup> (from whence the title of this study has been adapted) “Ko au te awa, ko te awa ko au” (I am the river, the river is me). In other words, anything that affects the river will affect the mauri of the people and vice versa.

Within the context of this study, it is the Kairangahau’s assessment that the Māori Party played an important role in the pursuit of rangatiratanga, as an independent Māori voice in government. Whilst contentious, given the historical associations of the Labour Party with the Foreshore and Seabed Act (2004) which controversy culminated in one of the largest protest movements by Māori, it was perplexing to observe the widespread support of Māori for the Labour Party in the 2017 elections which led to the demise of the Māori Party. While the Labour Party currently holds all the Māori electorate seats, because it is required to represent the interests of its full constituency, the majority of which consists of non-Māori, it is therefore limited in what it can do for Māori.

In 2018, Māori continue to be overwhelmingly and disproportionately represented negatively across all the major social development statistics including in education, employment, housing, health and incarceration. Arriving at the 178<sup>th</sup> anniversary since the signing of Te Tiriti, this is certainly not the future that Māori signatories had envisaged for their descendants. On the contrary, they understood that they, as well as their descendants, would retain their tino rangatiratanga, their absolute independence to determine their own affairs within their tribal jurisdictions. Nevertheless, this has not been the case. Instead, the tino rangatiratanga of Māori was removed from them, including their ability to speak their language, exercise their cultural practices and commercial activities.

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<sup>78</sup> Māori name for the Whanganui River.

## 5.4 Discussion on Kaitiakitanga

In the MSS, the storehouse of kaitiakitanga, can be strengthened through:

- Para-kore (zero-waste) initiatives that reduce or eliminate all forms of waste through recycling and finding ways to reuse by-products;
- Enacting rāhui to help replenish fish stocks and restore the mauri of a body of water;
- Shelving quota to help stocks to replenish;
- The sustainable and responsible use of technology;
- Riparian planting and other land-based conservation measures helps to avoid land erosion and silt flowing to sea; and,
- Better management of agricultural and other land-based runoff in keeping with tikanga Māori.

Again, Māori must be vigilant in guarding against the kiore which threatens kaitiakitanga. This kiore can come in the form of:

- Ocean acidification and global warming caused by environmental degradation;
- A lack of ownership rights and rangatiratanga;
- Overfishing leading to fish depletion;
- The destructive use of technology to harvest fish;
- Discarding and high-grading due to their wasteful natures; and,
- Runoff from all types of land-based activities.

The steps taken to strengthen the storehouse (kaitiakitanga) are all underpinned by Spiller et al.'s (2011) theory of relational wisdom which recognises that where one environmental component is affected it will have a flow on effect. By contrast, it is clear to see how the kiore is underscored by dissociation which places environmental components into compartments and ignores their interrelationships.

Based on the literature review and interviews, the Kairangahau's interpretation of the meaning of kaitiakitanga is twofold. Firstly it involves a 'right' to harvest the fruits of the environment for the nourishment and sustenance of the people. Secondly however, it also

involves an ‘obligation’ to ensure that these fruits are harvested sustainably and with as little environmental footprint as possible. This is achieved directly as Māori harvest kaimoana for tangihanga (funerals) and other hui (gatherings) or for personal consumption under customary and recreational harvesting. This is also achieved indirectly as the profits generated from iwi-based commercial fishing contributes toward the educational, cultural and social development of the iwi. Therefore, the key to achieving kaitiakitanga, is the ability to strike an equilibrium between the right to fish and the obligation to do so sustainably.

In connection with this, the Kairangahau observes that a defining feature of iwi-based fisheries is the way in which the profits are viewed. For example, for Maori and iwi, the generation of profit is commonly seen merely as a means to an end. The ultimate end for iwi is the social, cultural and educational development of individuals, whānau and hapū within the iwi. However, iwi must take care to ensure that this development does not come at the cost of environmental degradation and the depletion of fish; hence the emphasis on achieving an equilibrium between the ‘right’ and the ‘obligation’. This equilibrium can be achieved as companies focus on creating ‘relational wisdom’ which, According to Spiller et al. results when companies focus on the interconnected and reciprocal relationships between the environment and humans in a “woven universe” (Marsden, 2003, as cited in Spiller et al., 2011, p. 223) and act accordingly.

If the ocean is to continue to produce fish for future generations, the current generation must ensure that its mauri is protected and enhanced through sustainable use. As Kaikōrero Mikaere stated, “[kaitiakitanga] means stewardship but this is a wide ranging obligation. It includes caring for the environment, sustainable management of resources and the obligation to leave the world a better place than the one we inherited”. Thus, it is incumbent on each successive generation to leave the environment in a better state than that in which it was inherited.

In reference to Māori cosmology, where the land is personified as the mother of all creations, including humans, and where the ocean can be viewed as a father or uncle figure, this provides an effective guiding philosophy that can be used when making decisions that affect the environment. For example, in making decisions that affect the environment, businesses, communities and individuals will take greater care in these decisions if the questions were reframed in the following way:

- “Viewing the rivers and lakes as the arterial blood streams of Papa-tū-ā-nuku, my mother, how will the dumping of human waste, agricultural runoff and industrial chemicals into her bloodstream impact on her well-being and ability to reproduce?”
- “Considering the ocean as my father, how would injecting human waste and other pollutants into his body affect his well-being and ability to reproduce?”
- “Thinking of the seabed as the skin protecting my father’s vital organs, would I scrape at it in order to harvest the fish dwelling there, damaging the skin in the process, and would I prod at it in search of oil, gas or other natural minerals?”

The Kairangahau believes that the ultimate philosophical approach to caring for the environment is to allow the environment to regulate itself, giving it the right to an “uninterrupted freedom of existence and the same rights as humans” (Holden, 2003, as cited in Spiller et al., 2011, p. 228). In 2014 and 2017, the government of Aotearoa, in partnership with Māori did just this when it passed laws recognising the Te Urewera Rainforest<sup>79</sup> and Te Awa o Whanganui<sup>80</sup> respectively as legal entities, with “all the rights, powers, duties, and liabilities of a legal person” (Te Urewera Act 2014; Te Awa Tupua (Whanganui River Claims Settlement) Act 2017). This is in line with Spiller et al.’s (2011) theory of relational wisdom which emphasises the creation of wisdom by weaving together knowledge, expertise and authority to generate well-being. In other words, it is a recognition of the interconnected nature of the universe.

During the interviews, the advantages and disadvantages of technology were debated vigorously with some Kaikōrero asserting that technology has enhanced the ‘rape and pillage’ of the ocean while other Kaikōrero contended that technology has enhanced Māori to adopt a more sustainable and environmentally-friendly approach to harvesting. The Kairangahau concedes that both sides of the argument raise valid points, although technology in and of itself is neither destructive nor constructive. Rather it is a tool that can be used for constructive or destructive purposes; in the same way that a kitchen knife, as a tool, can be used for food preparation or as a violent weapon. Nevertheless, it was unfortunate to note that some Kaikōrero felt that the unsustainable and destructive harvesting methods were unavoidable due to the nature of the technology available to the industry. However, this

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<sup>79</sup> Te Urewera Act 2014.

<sup>80</sup> Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

reality is what inspired and drove the Waikawa Fishing Company to develop pots to enable them to catch Tarakihi and Ling while eliminating seabed damage and bycatch and also reducing CO<sub>2</sub> emissions by using less fuel.

## **5.5 Conclusion**

This chapter identifies that the mauri of the environment is under attack. To draw a comparison from the Pātaka Kai model, it can be figuratively said that an onslaught of kiore (destructive uses of the environment) fuelled by their corrosive and insatiable desire for capitalism, have eaten away at the pou of rangatiratanga, causing the storehouse of kaitiakitanga to crumble to the earth, enabling the kiore to devour the precious kūmara representing the environment. The defensive mechanism against the onslaught of kiore lies within treating the environment not as a “silent stakeholder”, rather as “an extension of the human person, just as the human person is an extension of nature” (Spiller et al., 2011, p. 228).

In saying this however, there are some exciting and encouraging technological developments taking place within the industry that are empowering Māori to be able to harvest kaimoana more sustainably with a lighter environmental footprint. Although the MSS is only one player within the wider Aotearoa seafood industry, due to its substantial collective share of the industry, controlling 50 per cent of Aotearoa’s fishing quota (Seafood New Zealand, n.d.), it has far greater potential to influence how the industry is regulated and managed. Therefore, the MSS should raise the bar in terms of its expectations both of itself and the wider industry.

It should drive the development of more innovative technologies to reinforce the position of Māori as Kaitiaki within the industry and also to set an example for the rest of the industry to follow. This will empower Maori to be able to give effect to the challenge issued by Tā Tipene O’Regan to the MSS to at the 2017 Māori Fisheries Conference where he said “we [Māori] are in a position to set the agenda [...] we don’t have to be takers and reactors to other people’s agendas. We’re big enough, strong enough and resourced enough today” (O’Regan, 2017).

## ŪPOKO TUAONO (CHAPTER SIX): CONCLUSION AND RECOMMENDATIONS

*“When we can acknowledge our joint history with all of its warts and tragedies,  
perhaps then we can move forward as one nation”*

*Professor Graham Hingangaroa Smith (as cited in Fox, 2014)*

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### **6.1 Introduction**

Indeed, pre-European Māori never saw it coming. Neither could they have been prepared for the tidal wave of colonisation that washed over Aotearoa, destroying their rangatiratanga and kaitiakitanga over their lands, fisheries and way of life. This study set out to investigate the factors inhibiting rangatiratanga and kaitiakitanga, associated with this tidal wave and the factors that enhance rangatiratanga and kaitiakitanga inherent within pre-European Māori society. This study found that the factors inhibiting and enhancing rangatiratanga in the MSS relate generally to the idea of sovereignty and the possession and exercise of Māori customary proprietary rights. Furthermore, that kaitiakitanga generally revolves around the Māori cosmological worldview of the land, ocean and all environment as ancestral beings imbued with mauri (life force), from whence derives the role of Māori as Kaitiaki.

### **6.2 Summary of Factors Inhibiting Rangatiratanga**

Drawing on the FSA and Kermadec Sanctuary Bill examples, Chapter Two stressed the highly susceptible nature of Māori customary fishing rights. Under the status quo, where the perpetuation of Māori proprietary rights is at the mercy of current and future governments, Māori can never be certain how any government, whether Labour-led or National-led, will treat Māori rights. Although Māori fishing rights have been ‘guaranteed’ through settlements and are enshrined in legislations, evidence suggests that these rights are in fact never guaranteed. It is plausible to conclude therefore that the only way for Māori rights to be absolutely secured is through total and absolute control of Māori rights by Māori.



Chapter Three highlighted that while iwi own quota, many iwi do not have the resources to harvest, process and sell their own quota. As a result, Māori-owned quota and associated profits are being funnelled away from iwi and into non-Māori revenue streams representing a weakening of rangatiratanga for iwi. The chapter also underlined the reality facing many iwi that inadequate resourcing results in an inability for iwi to engage with the wider seafood industry and respond to calls from the government for iwi input.

### **6.3 Summary of Factors Enhancing Rangatiratanga**

Chapter Two also emphasised that rangatiratanga can be enhanced through a collective Māori voice as Māori and iwi unite under a common Māori banner. While capitalism encourages competition and fragmentation it does not have to be so in the MSS, and Māori and iwi may pursue this course at their own peril. This is because, as TOKM reminds iwi, individual iwi fishing rights were secured through a collective settlement and that the future security of individual iwi rights is subject to the security of collective iwi rights. TOKM further reminds iwi that in order to secure these rights into the future, it will be important for iwi to become unified in order to build a stronger Māori voice when engaging with the Crown (TOKM, 2017). Iwi can also build their rangatiratanga within the MSS by investing in the development of capacity, capability and knowledge within the sector.

### **6.4 Summary of Factors Inhibiting Kaitiakitanga**

Because kaitiakitanga includes the guardianship of the ocean to enhance its ability to produce kaimoana, this study asserts that the ocean's ability to carry out this reproductive function is entirely dependent on the state of its mauri as discussed through chapters two and five. Specifically, discussions on mauri have included how the mauri of the ocean can be weakened or destroyed through destructive harvesting methods that damage the seabed, collect bycatch and emit carbon dioxide; thus contributing to atmospheric pollution which leads to global warming and ocean acidification. This study also identifies overfishing and discarding as problems contributing to the depletion of kaimoana. It also highlights the inequity around recreational harvesters not being required to report their catch to MPI while customary and commercial harvesters are required to do so.

In summary, it seems that the greatest threat to the mauri of the ocean, and environment generally, is the belief held by some individuals, communities, organisations and businesses that humans reign supreme over the environment. This is of great concern as it deals with the complex programming of the mind where the seeds of action are sown.

#### **6.4 Summary of Factors Enhancing Kaitiakitanga**

Although technology can be used for destructive purposes, it can also be used for constructive purposes depending on its design and function. This study has drawn on the examples of PSH and the use of pots to harvest Ling and Tarakihi. In the case of the pots, the method has entirely eliminated bycatch, damage to the seabed and has also reduced carbon emissions. In the case of PSH, this method allows a more selective harvest of fish as non-target or under-sized species are able to escape before the net is raised on deck. In addition, the fish is caught in a healthier state so that if it needs to be returned, it can be returned in a healthy and damage-free condition with higher chances of survival. Undoubtedly, there are many more examples of innovative examples of sustainable technology solutions within the MSS that have not been mentioned in this study due to time and word-count limitations.

The study also recognises use of rāhui as a measure to restore the mauri of the ocean where it has been breached through pollution and overfishing. However, while rāhui is an effective conservation measure, the superior option would be to avoid pollution and overfishing altogether in recognition of the ocean as a taonga and as an ancestor.

#### **6.5 Suggestions for Further Research**

The security and protection of the customary fishing rights of Maori runs to the very core of Aotearoa's constitution and identity as a nation. Customary Maori fishing rights have sustained a severe battering since the signing of The Treaty of Waitangi/Tiriti o Waitangi in 1840 and history would suggest that that as long as The Treaty/Te Tiriti is not recognised as part of Aotearoa's constitution, these rights will continue to be at risk from the unilateral action by current and future governments. Although The Treaty/Te Tiriti is recognised as the founding document of Aotearoa and has legal standing within Aotearoa's judicial system, it is not fully and officially constitutionally recognised. Evidence suggests that in order to secure

all Maori customary rights once and for all, not only to fisheries but all Maori rights, that The Treaty/Te Tiriti must be fully recognised as part of Aotearoa's constitution.

Thus, a furtherance of this study could branch out into an investigation into how Aotearoa's current constitutional makeup is inhibiting the rangatiratanga and kaitiakitanga of Maori within the MSS and the steps that could be taken to incorporate the Treaty/Te Tiriti as an officially recognised component of Aotearoa's constitution. The Kairangahau does not make this suggestion lightly or in naivety and recognises that this topic has been debated extensively in the past and that the achievement of such a momentous move would require extensive work. Nevertheless, the Kairangahau feels that a fresh look into the issue through new eyes would be a worthy cause to pursue.

## **6.6 Recommendations**

It is recommended that the Crown:

1. Honour the allocation of Quota to iwi under the 1992 Deed of Settlement, by including a Treaty of Waitangi clause in the Kermadec Ocean Sanctuary Bill, giving iwi the choice to not fish in the area rather than taking that choice from them.
2. Allocate greater resourcing to assist the industry to develop technology that enhances greater selectivity with the view of phasing out traditional trawling in Aotearoa's exclusive economic zone over the next ten years.
3. Ban the use of unselective fishing methods, within depths of 100 metres along Aotearoa's coastline.
4. Ban the use of Fish Aggregating Devices (FAD) used to catch tuna due to their unselective nature in favour of the pole and line harvesting method and outlaw in Aotearoa the sale of canned tuna caught by FADs.

It is recommended that Māori and iwi:

1. Continue to take proactive and measured steps to build greater Maori cohesiveness within the industry in order to build the credibility and influence of the ‘Māori’ voice within the wider industry.
2. Remain vigilant in the protection of customary Maori fishing rights by engaging in targeted and active dialogue with the government.
3. Where possible and as resources permit, undertake greater work to develop technologies that help to decrease environmental footprint and allow greater sustainability.
4. Share these technological developments across the MSS in the recognition that the success of one iwi or Maori business can be the success of all Maori in the industry.

KŌRERO HOKIA!<sup>81</sup>

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<sup>81</sup> Said by Ngāpuhi orators when their whaikōrero (speeches) are cut short by the arrival of manuhiri (guests) onto the marae, indicating that the orator has not finished his speech and will speak again when the time is right.

## GLOSSARY OF MĀORI TERMS<sup>82</sup>

The following English renditions for Māori term used in this study is intended as a general interpretation to give the reader an idea of the general meanings of the terms. The English renditions are illustrative only and are not intended as exhaustive definitions. This is due to inadequacies of the English language to fully capture the essence of the terms.

**Aotearoa** – (noun) Māori name for New Zealand.

**Atua** – (noun) God, supernatural being, deity, object of superstitious regard.

### Glossary of Māori Terms

**Hapū** – (noun) Kinship group, clan, tribe, subtribe.

**Haumiatiketike** – (personal name) Atua of fern root and uncultivated food - one of the offspring of Rangi-nui and Papa-tū-ā-nuku.

**Hiko** – (verb) Walk, protest march.

**Hui** – (verb/noun) Meeting, gathering.

**Io Matua Kore** – (noun) Io-the-parentless-one - one of the names for the Supreme Being, Io.

**Iwi** – (noun) Extended kinship group, tribe, nation, people, nationality, race.

**Kaikōrero** – (noun) Interview Participant.

**Kaimoana** – (noun) Seafood, shellfish

**Kairangahau** – (noun) Researcher.

**Kaitiaki** – (noun) Trustee, minder, guard, custodian, guardian, caregiver, keeper, steward.

**Kaitiakitanga** – (noun) Guardianship, stewardship, trusteeship, trustee.

**Kanohi-ki-te-kanohi** – (stative) face to face, in person, in the flesh.

**Karakia** – (verb) Prayer, incantation.

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<sup>82</sup> The majority of these definitions and explanations have been sourced from Te Aka Online Māori Dictionary (Moorfield, 2017)

**kaumātua** – (noun) Elder, elderly man, a person of status within the whānau.

**Kererū** – (noun) Native New Zealand Wood Pigeon.

**Kiore** – (noun) Rat, mouse.

**Kōura** – (noun) Crayfish, Lobster

**Kūmara** – (noun) Sweet potato.

**Kura Kaupapa Māori** – (noun) Primary school operating under Māori custom and using Māori as the medium of instruction.

**Kurawaka** – (place name) Name of the place in the creation narratives where the first woman was created. The *mons veneris* of Papa-tū-ā-nuku.

**Mahinga kai** – (noun) Garden, cultivation, food-gathering place.

**Mana** – (noun) Prestige, authority, control, power, influence, status, power, charisma.

**Manaakitanga** – (noun) Hospitality, kindness, generosity, support - the process of showing respect, generosity and care for others.

**Manuhiri** – (noun) Visitor, guest.

**Mātaītai** – (noun) customary seafood gathering site, shellfish bed.

**Mātauranga Māori** – (noun) Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.

**Mātauranga Māori** – (noun) Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.

**Mauri** – (noun) Life principle, life force, vital essence, special nature, a material symbol of a life principle, source of emotions - the essential quality and vitality of a being or entity. Also used for a physical object, individual, ecosystem or social group in which this essence is located.

**Mihi** – (verb) Speech of acknowledgement, giving thanks, showing appreciation.

**Moana** – (noun) The ocean.

**Muriwhenua** – (location) North Cape area of the North Island, Far North (i.e. north of Kaitaia).

**Ngā Pae o te Māramatanga** – (noun) Aotearoa’s Māori Centre of Research Excellence funded by the Tertiary Education Commission and hosted by The University of Auckland

**Ngāi Tahu** – (personal noun) tribal group of much of the South Island, sometimes called Kāi Tahu by the southern tribes.

**Ngāti Porou** – (personal noun) tribal group of East Coast area north of Gisborne to Tihirau.

**Ōmāpere** – (noun) The name of a lake north of Kaikohe Township in the Far North District of Aotearoa.

**Pākehā** – (noun) New Zealander of European descent - probably originally applied to English-speaking Europeans living in Aotearoa/New Zealand.

**Papa-tū-ā-nuku** – (personal name) Earth, Earth mother and wife of Rangi-nui - all living things originate from them.

**Pātaka Kai** – (noun) A raised food storehouse. The pātaka kai was traditionally used by Māori to store and preserve food from kiore (rats) and the natural elements.

**Pou** – (noun) Stilts, beam.

**Rāhui** – (verb) Temporary ritual prohibition, closed season, ban, reserve.

**Rangatira** – (noun) chief (male or female), chieftain, chieftainess, master, mistress, boss, supervisor, employer, landlord, owner, proprietor.

**Rangatiratanga** – (noun) Chieftainship, right to exercise authority, chiefly autonomy, chiefly authority, ownership,

**Ranginui** – (noun) Atua of the sky and husband of Papa-tū-ā-nuku, from which union originate all living things.

**Rerenga Wairua** – (place name) Māori name for Cape Reinga, the northernmost tip of the North Island of Aotearoa.

**Rongo-mā-Tāne** – (personal name) Atua of the kūmara and cultivated food and one of the offspring of Rangi-nui and Papa-tū-ā-nuku.



**Rūaumoko** – (personal name) Atua of volcanoes, earthquakes, geothermal activity and the youngest child of Rangi-nui and Papa-tū-ā-nuku. Also known as Rūaimoko.

**Tā** – (loan) (personal noun) Sir, knight.

**Taiāpure** – (noun) A stretch of coast, reef or fishing ground set aside as a reserve for inland kinship groups to gather shellfish or to fish.

**Tainui** – (location) a term for the territory of the tribes descended from the crew of the Tainui canoe.

**Tāne Mahuta** – (personal name) Atua of the forests and birds and one of the children of Rangi-nui and Papa-tū-ā-nuku.

**Tangaroa** – (personal name) Atua of the sea and fish, he was one of the offspring of Rangi-nui and Papa-tū-ā-nuku and fled to the sea when his parents were separated. Sometimes known as Tangaroa-whaiariki.

**Tangata Whenua** – (noun) Local people, hosts, indigenous people.

**Tangihanga** – (noun, verb) Weeping, crying, funeral, rites for the dead.

**Taonga** – (noun) Property, goods, possession, effects, object.

**Taonga katoa** – (noun) See taonga above. Katoa means ‘all’.

**Tāwhiri-mātea** – (personal name) Atua of the winds, clouds, rain, hail, snow and storms, he was also known as Tāwhiri-rangi and Tāwhiri-mate-a-Rangi and was one of the offspring of Rangi-nui and Papa-tū-ā-nuku who did not want his parents separated.

**Te Aitanga ā Māhaki** – (personal name) tribe of the area inland from Gisborne.

**Te Ao Māori** – (noun) The Māori world.

**Te Awa o Waikato** – (noun) Māori name for the Waikato River.

**Te Awa o Whanganui** – (noun) Māori name for the Whanganui River.

**Te Kōhanga Reo** – (noun) Māori language pre-school, language nest.

**Te Ohu Kaimoana** – (noun) Māori Fisheries Trust

**Te Puni Kōkiri** – (noun) Ministry of Māori Development.

**Te Reo Māori** – (noun) The Māori Language.

**Te Tau Ihu** – (Place name) Short for Te Tau Ihu o Te Waka ā Māui, referring to the northern region of the South Island of Aotearoa.

**Te Tiriti o Waitangi** – (noun) The Treaty of Waitangi, referring to the Māori Language version.

**Tikanga** – (noun) Correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol - the customary system of values and practices that have developed over time and are deeply embedded in the social context.

**Tikanga Māori** – (noun) Correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, plan, practice, convention, protocol according to Māori traditions.

**Tino rangatiratanga** – (noun) Exclusive and absolute self-determination, sovereignty, autonomy, self-government, domination, rule, control, power.

**Tohunga** – (noun) skilled person, chosen expert, traditional priest, healer.

**Tūmataunga** – (personal name) Atua of warfare and conflict and one of the offspring of Rangi-nui and Papa-tū-ā-nuku.

**Tuna** – (noun) Eel.

**Utu** – (verb, noun) Reciprocity, revenge.

**Whakaaro Māori** – (noun) Uniquely Māori ways of thinking based on tikanga Māori.

**Whakapapa** – (noun) Genealogy, genealogical table, lineage, descent.

**Whakataukī** – (verb, noun) Proverb, saying.

**Whānau** – (noun) Extended family, family group, a familiar term of address to a number of people.

**Whanaunga** – (noun) Kin, relative, cousin.

**Whenua** – (noun) Land.

## APPENDICES

### Appendix 1: List of Kaikōrero (In Alphabetical order)

Note: In some cases, Kaikōrero are referenced more than once on the same page.

Name	Category/ Specialisation	Iwi affiliations	Kaikōrero referenced on page(s)
BAILEY, Emily	Environmental Activist	Māori Environmental Activist of Taranaki, Ngāti Mutunga and Te Āti Awa iwi descent.	43, 44, 49
DEWES, Whaimutu	Iwi	Chairman, Ngāti Porou Seafoods Limited.  Kaikōrero Dewes is of Ngāti Porou and Ngāti Rangitihi descent.	30, 42, 45
ELLISON, Craig	Iwi	Speaking as a private individual. Kaikōrero Ellison is of Ōtākou Marae, Ngāi Tahu descent.	42, 47
KAHUTARA (Pseudonym)	Iwi	A respondent with iwi- based interests who wishes to remain anonymous.	35, 39, 40, 41, 45, 47
LOUGHLIN, Danny	Iwi	General Manager, Ngāti Tūwharetoa Fisheries Charitable Trust.  Kaikōrero Loughlin is of Ngāti Ruingarangi, Ngāti Rauhoto and Ngāti Te Maunga hapū,	27, 35, 45

		Ngāti Tūwharetoa iwi descent.	
MIKAERE, Buddy	Resource Consent Consultant	Resource Consent Consultant of Ngāti Pūkenga and Ngāti Ranginui iwi descent.	31, 37, 57
NGATA, Mark	Iwi	Chief Executive Officer, Ngāti Porou Seafoods Limited. Kaikōrero Ngata is of Te Whanau a Te Aopare, Ngai Tamakoro and Te Whanau a Karuai hapū, Ngāti Porou iwi descent.	26, 45, 36, 30
OGILVIE, Shaun (Dr.)	Science	Marine Scientist of Ngāti Whakahemo hapū, Te Arawa iwi and Ngāti Pūkeko hapū, Ngāti Awa iwi descent.	39, 43, 46, 47
POKAIA, Ruawhitu	kaumātua	kaumātua of Ngāti Wairere and Ngāti Mahuta hapū, Waikato-Tainui iwi descent.	34, 41, 42
RAKAHORE (Pseudonym)	Science	Māori Environmental Scientist who wishes to remain anonymous	23, 44, 45
RURU, Ian	Iwi	Director for Te Aitanga ā Māhaki Asset Holdings Company and Fisheries Kaitiaki for Te Aitanga ā Māhaki.	48, 49
SAMUELS, Maru	Iwi	Speaking as a private individual informed as a	28, 29, 33, 35, 48

		General Manager of the ICP that represents collective iwi fisheries interests. Kaikōrero Samuels is of Ngāi Te Rangi, Te Rārawa and Ngāi Takoto iwi descent.	
SMITH, Mike	Environmental Activist	Māori Environmental Activist of Ngāpuhi and Ngāti Kahu iwi descent.	39, 44
TAU, Te Maire (Dr.)	Academic	Director, Ngai Tahu Research Centre at the University of Canterbury. Kaikōrero Tau is of Ngāi Tūahuriri hapū, Ngāi Tahu iwi descent.	27, 31, 32
TIPOKI, Raihania	Environmental Activist	Māori Environmental Activist of Rangitāne iwi and Ngāti Hinepehinga hapū, Ngāti Kahungunu iwi descent.	38, 39, 40, 42

## **Appendix 2: Whakataukī (Proverb) by Tā Arirana Ngata**

(Kōkiri Hauora, 2016)

Te Reo Māori

E tipu, e rea mō ngā rā o tou ao  
Ko ō ringa ki te rākau a te Pākehā  
Hei ora mō tō tinana  
Ko tō ngākau ki ngā taonga a ō tīpuna  
Hei tikitiki mō tō mahunga  
Ko tō wairua ki Te Atua  
Nāna nei ngā mea katoa.

English

Grow up and thrive for the days destined to you  
Your hands to the tools of the Pākehā  
To provide physical sustenance  
Your heart to the treasures of your Māori ancestors  
As a diadem for your brow  
Your soul to your God  
To whom all things belong.

### Appendix 3: Mauri Compass

Mauricompass.com (2018)

HOW THE MAURICOMPASS.COM WORKS WITH A RANGE OF PLANS

National Policy Statement: Freshwater (NPS)													
GDC Wastewater Resource Consent Condition: Turanganui a Kiwa Water Quality Enhancement Project													
Gisborne Regional Freshwater Plan: Mauri is a Compulsory Value that must be assessed and restored													
MAURICOMPASS.COM													
Value	Maui & Mataranga Maui NPS: D				Management Plan								
Body Type	Lake, River, Aquifer or Ocean				Gisborne Regional Freshwater Plan: Maui is a Compulsory Value. State of the Environment Reporting								
SUMMARY TABLE: APPLICABILITY OF THE MAURICOMPASS TO THE HEIRARCHY OF PLANS													
HAPU OR IWI MANAGEMENT PLAN / GDC REGIONAL FRESHWATER PLAN / NATIONAL OBJECTIVES FRAMEWORK / NATIONAL POLICY STATEMENT 2017													
Maui Compass Realm	Maui Compass Attribute	National Objective Framework: Values	Compulsory NOF Monitoring / GDC	Gisborne Regional Freshwater Plan	Measured By			Fine Scale Attribute	Measured By	Maui 1	Maui 2	Maui 3	Maui 4
Tangata Whenua: Attributes can only be assessed by Tangata Whenua	Tikanga	Tauranga waka, traditional	Mataranga Maui	Maui Compulsory	Tangata Whenua				Narrative Objective	5	5	5	5
	Wairua	Wai tapu	Mataranga Maui	Maui Compulsory	Tangata Whenua				Narrative Objective	5	5	5	5
	Mahinga Kai	Mahinga Kai	Mataranga Maui	Maui Compulsory	Tangata Whenua				Narrative Objective	4	4	4	4
	Habitat	Natural form and character	Measures of health indigenous flora and fauna	Maui Compulsory	TW or GDC			Physical Habitat	Narrative Objective	1	1	1	1
	Biodiversity	Natural form and character, Fishing	Monitoring macroinvertebrate communities		Tangata Whenua			Native Flora and Fauna	Aerial Assessment	1	1	1	1
	Biological	Human Health for Recreation, Irrigation, Animal Drinking, Water supply	Microbial health risks		GDC			Invertebrates	MCI Index	1	1	1	1
	Chemistry	Human Health for Recreation, Irrigation, Animal Drinking, Water supply			GDC or Tangata Whenua			Native Fauna	Narrative Objective	1	1	1	1
Tane: Land-based effects on the water body				Training & Education				E.Coli	Median	2	2	1	2
								Susp Solids	Median				
								Ammonia	95th Percentile				
								Nitrate	95th Percentile				
								Phosphate	Median				
								Periphyton	Annual Max				
								pH	pH				
								Temp	Hottest 1Day Temp				
								D.O	1-day mean minimum				
Tangaroa: Assessment of key indicator species of the water body	Eel Species	Fishing			Tangata Whenua				Species Ratio	1	2	2	5
	Eel Abundance	Fishing		Wananga	Tangata Whenua		Sentinel Species		CPUE	1	2	3	3
	Eel Health	Fishing			Tangata Whenua				Pathology	1	2	2	3
	Eel Growth Rates	Fishing			Tangata Whenua				Size at age data	1	3	1	3
Value										24	30	28	35

## Appendix 4: Participant Information Sheet



### **Ben Matthews**

(Ngāpuhi, Tauranga Moana, Ngāti Porou)

College of Arts

Email: [ben.matthews@pg.canterbury.ac.nz](mailto:ben.matthews@pg.canterbury.ac.nz)

31 October 2017

### **“The role of Tikanga Māori in Board-level Decision Making in the Māori Seafood Industry”**

#### **Information Sheet for Research Participants**

Tēnā koe e te rangatira,

Me mihi ka tika ki ngā tini mate o ngā hau e whā kua tīraha atu ki te pō, hāere atu rā. Ka hoki mai kia tātou ngā uri whakaheke o rātou mā, e kawē nei i ngā wawata ā kui mā ā koro mā, tēnā rā tātou. Nei te iti o Ngāpuhi Nui Tonu, o Tauranga Moana me Ngāti Porou e mihi atu nei. Tēnā koe mo to whakaae mai kia hui tahi ai tāua mo tēnei kaupapa whakahirahira: Ngā Tikanga Māori o te Ao Ahumahi Kaimoana Māori.

I am researching into the role of kaitiakitanga within the Māori Seafood Industry and I would appreciate the opportunity to discuss this topic with you. I am particularly interested in your thoughts about the merits and advantages as well as the challenges and difficulties of the application of kaitiakitanga in addressing environmental and sustainability issues within the industry. My research involves a semi-structured discussion for about 45 – 60 minutes in which I will ask you a number of questions based on this subject and take written notes of your answers. Following our discussion, I will review my notes with you to ensure I have accurately captured your responses. The discussion will also be recorded so that I can check the accuracy of direct quotes, however a transcript will not be produced. Before I use any quotes, anonymously or not, I will seek permission via email for the use of those particular statements. Once I have taken note of the necessary statements, the recordings will be destroyed.

The results of the project may be published, but you can be assured of the complete confidentiality of data gathered in this research and that your identity will not be made public without your prior consent. If you would prefer to remain anonymous, you will be given a unique code as an identifier throughout the study so that at no time will you be identifiable in the raw data without the code. In the writing I will use an appropriate pseudonym, as agreed with yourself, to protect your identity. However, you may choose to be identified in my thesis and, if your organisation agrees, I am happy to include your organisation's name as well. All written data collected for the study will be kept in password protected electronic form and will be destroyed after five years.



Participation is voluntary and you have the right to withdraw at any stage without consequence. You may also ask for your raw data to be returned to you or to be destroyed at any point. However, once analysis of raw data begins, which I estimate will be about one week following our discussion, it will be increasingly difficult to remove the influence of your data on the results.

If you agree to participate in the study, please complete the attached consent form and return it to myself via the email address at the top of this letter or post it to the address below. Alternatively, you can hand it to me when we meet in person. The consent forms will be stored separately from the typed raw data. A thesis is a public document and will be available through the UC Library. Please let me know on the consent form if you would like to receive a copy of the summary of results of the project.

This project has been reviewed and approved by the University of Canterbury Human Ethics Committee. Participants can address any complaints or other feedback to:

The Chair, Human Ethics Committee  
University of Canterbury  
Private Bag 4800, Christchurch  
Email: [human-ethics@canterbury.ac.nz](mailto:human-ethics@canterbury.ac.nz)

This project is being carried out as a requirement of the Master of International Relations and Diplomacy, under the supervision of Dr. Pascale Hatcher, Senior Lecturer in Political Science & International Relations. If you have any questions, please feel free to contact either myself or Dr. Hatcher on email [pascale.hatcher@canterbury.ac.nz](mailto:pascale.hatcher@canterbury.ac.nz). We will be happy to answer any questions.

Thank in advance for your time and assistance!

Noho ora mai,

**Ben Matthews**  
Research Student  
College of Arts  
University of Canterbury  
20 Kirkwood Avenue  
Upper Riccarton, Christchurch 8041

## Appendix 5: Participant Consent Form



College of Arts

Email:

[ben.matthews@pg.canterbury.ac.nz](mailto:ben.matthews@pg.canterbury.ac.nz)

### **“The Role of Tikanga Māori in the Māori Fisheries Industry” Consent Form for Research Participants**

To give your consent, please tick the boxes below and sign at the bottom of the page.

- ☐ I have been given a full explanation of this project and have had the opportunity to ask questions.
- ☐ I understand what is required of me if I agree to take part in the research.
- ☐ I understand that participation is voluntary and I may withdraw at any time without penalty. Withdrawal of participation will also include the withdrawal of any information I have provided should this remain practically achievable.
- ☐ I understand that any information or opinions I provide will be kept confidential to the researcher and that any published or reported results will not identify the participants, unless consent is given. I understand that a thesis is a public document and will be available through the UC Library.
- ☐ I understand that all data collected for the study will be kept in locked and secure facilities and/or in password protected electronic form and will be destroyed after five years.
- ☐ By signing below, I agree to participate in this research project.

I wish to remain anonymous throughout the course of this research project: YES / NO  
(Please circle one)

I would like an email summary of the results of the project: YES / NO

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Email address (for report of findings, if applicable): \_\_\_\_\_

*Please scan and email the Consent Form to [ben.matthews@pg.canterbury.ac.nz](mailto:ben.matthews@pg.canterbury.ac.nz) or post it to the postal address below. Alternatively, you can hand it to me when we meet in person.*

Ngā mihi,

**Ben Matthews**

Research Student

College of Arts, University of Canterbury

20 Kirkwood Avenue, Upper Riccarton, Christchurch 8041

## **Appendix 6: The Treaty of Waitangi and Te Tiriti o Waitangi Texts**

(Treaty of Waitangi Act 1975)

### **The Treaty of Waitangi (English Version)**

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

#### **Article the first [Article 1]**

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

#### **Article the second [Article 2]**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties

which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

### **Article the third [Article 3]**

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(signed) William Hobson, Lieutenant-Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

### *Te Tiriti o Waitangi (Māori Version)*

KO WIKITORIA te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata Māori o Nu Tirani – kia wakaaetia e nga Rangatira Māori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Māori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

### **Ko te tuatahi**

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

### **Ko te tuarua**

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

### **Ko te tuatoru**

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga tangata Māori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(signed) William Hobson, Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

## Appendix 7: Comparisons between English and Māori Texts (Kawharu, n.d.)

# TE TIRITI O WAITANGI THE TREATY OF WAITANGI

English Text	Modern English translation of Maori version	Footnotes of the Maori text by Prof. Hugh Kawharu (used with permission)
<b>Preamble</b>	<b>Preamble</b>	
<p>HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.</p>	<p>Victoria, the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship (1) and their lands to them and to maintain peace (2) and good order considers it just to appoint an administrator (3) one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands (4) and also because there are many of her subjects already living on this land and others yet to come. So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness. So the Queen has appointed "me, William Hobson a Captain" in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents (5) to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.</p>	<p>(1) "Chieftainship": this concept has to be understood in the context of Maori social and political organization as at 1840. The accepted approximation today is "trusteeship".</p> <p>(2) "Peace": Maori "Rongo", seemingly a missionary usage (rongo - to hear i.e. hear the "Word" - the "message" of peace and goodwill, etc).</p> <p>(3) Literally "Chief" ("Rangatira") here is of course ambiguous. Clearly a European could not be a Maori, but the word could well have implied a trustee-like role rather than that of a mere "functionary". Maori speeches at Waitangi in 1840 refer to Hobson being or becoming a "father" for the Maori people. Certainly this attitude has been held towards the person of the Crown down to the present day - hence the continued expectations and commitments entailed in the Treaty.</p> <p>(4) "Islands" i.e. coastal, not of the Pacific.</p> <p>(5) Literally "making" i.e. "offering" or "saying" - but not "inviting to concur".</p>

# TE TIRITI O WAITANGI

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## THE TREATY OF WAITANGI

English Text	Modern English translation of Maori version	Footnotes of the Maori text by Prof. Hugh Kawharu (used with permission)
<b>Article the First</b>	<b>The First</b>	
<p>The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.</p>	<p>The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government (6) over their land.</p>	<p>(6) "Government": "kawanatanga". There could be no possibility of the Maori signatories having any understanding of government in the sense of "sovereignty" i.e. any understanding on the basis of experience or cultural precedent.</p>
<b>Article the Second</b>	<b>The Second</b>	
<p>Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.</p>	<p>The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise (7) of their chieftainship over their lands, villages and all their treasures (8). But on the other hand the Chiefs of the Confederation and all the Chiefs will sell (9) land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.</p>	<p>(7) "Unqualified exercise" of the chieftainship - would emphasise to a chief the Queen's intention to give them complete control according to their customs. "Tino" has the connotation of "quintessential".</p> <p>(8) "Treasures": "taonga". As submissions to the Waitangi Tribunal concerning the Maori language have made clear, "taonga" refers to all dimensions of a tribal group's estate, material and non-material heirlooms and wahi tapu (sacred places), ancestral lore and whakapapa (genealogies), etc.</p> <p>(9) Maori "hokonga", literally "sale and purchase". Hoko means to buy or sell.</p>



# TE TIRITI O WAITANGI THE TREATY OF WAITANGI

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English Text	Modern English translation of Maori version	Footnotes of the Maori text by Prof. Hugh Kawharu (used with permission)
<b>Article the Third</b>	<b>The Thrid</b>	
In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.	For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties (10) of citizenship as the people of England (11).	<p>(10) "Rights and duties": Maori " at Waitangi in 1840 refer to Hobson being or becoming a "father" for the Maori people. Certainly this attitude has been held towards the person of the Crown down to the present day - hence the continued expectations and commitments entailed in the Treaty.</p> <p>(11) There is, however, a more profound problem about "tikanga". There is a real sense here of the Queen "protecting" (i.e. allowing the preservation of) the Maori people's tikanga (i.e. customs) since no Maori could have had any understanding whatever of British tikanga (i.e. rights and duties of British subjects.) This, then, reinforces the guarantees in Article 2.</p>



# TE TIRITI O WAITANGI

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## THE TREATY OF WAITANGI

English Text	Modern English translation of Maori version	Footnotes of the Maori text by Prof. Hugh Kawharu (used with permission)
<p>(signed) William Hobson Lieutenant Governor.</p> <p>Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.</p> <p>Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.</p> <p>(Here follow signatures, dates, etc.)</p>	<p>(signed) William Hobson, Consul and Lieutenant Governor.</p> <p>So we, the Chiefs of the Confederation of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus. Was done at Waitangi on the sixth of February in the year of our Lord 1840.</p> <p>(Here follows signatures, dates, etc.)</p>	

## Appendix 8: Declaration of Independence/He Whakaputanga Text

(Retrieved from <https://nzhistory.govt.nz/media/interactive/the-declaration-of-independence>)

On 28 October 1835, at the home of British Resident James Busby in Waitangi, 34 northern chiefs signed He Whakaputanga o te Rangatiratanga o Nu Tireni (known in English as the Declaration of Independence of the United Tribes of New Zealand).

The handwritten document consisting of four articles asserted that mana (authority) and sovereign power in New Zealand resided fully with Māori, and that foreigners would not be allowed to make laws. Te Whakaminenga, the Confederation of United Tribes, was to meet at Waitangi each autumn to frame laws, and in return for their protection of British subjects in their territory, they sought King William's protection against threats to their mana. They also thanked the King for acknowledging their flag.

By July 1839, 52 chiefs had signed He Whakaputanga, including Te Hāpuku and Te Wherowhero, the first Māori King. The document was officially acknowledged by the British government. Busby saw it as a significant mark of Māori national identity and believed it would prevent other countries from making formal deals with Māori.

### Transcript

He Wakaputanga o te Rangatiratanga o Nu Tireni

1. Ko matou ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau 28 o Oketopa 1835. ka wakauputa i te Rangatiratanga o to matou wenua a ka meatia ka wakauputaia e matou he Wenua Rangatira. kia huaina 'Ko te Wakaminenga o nga Hapu o Nu Tireni'.
2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga. a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni. ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei e matou i to matou huihuinga.

3. Ko matou ko nga Tino Rangatira ke mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga kia mau pu te rongo kia mutu te he kia tika te hokohoko. a ka mea hoki ki nga Tauwi o runga kia wakarerea te wawai. kia mahara ai ki te wakaoranga o to matou wenua. a kia uru ratou ki te wakaminenga o Nu Tireni.
4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawatu i to matou aroha. nana hoki i wakaae ki te Kara mo matou. a no te mea ka atawai matou, ka tiaki i nga pakeha e noho nei i uta e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

Kua wakaetia katoatia e matou i tenei ra i te 28 o opketopa 1835 ki te aroaro o te Reireneti o te Kingi o Ingarani.

### **The Codicil**

Ko matou ko nga Rangatira ahakoa kihai i tae ki te huihuinga nei no te nuinga o te Waipuke no te aha ranei – ka wakaae katoa ki te waka putanga Rangatiratanga o Nu Tirene a ka uru ki roto ki te Wakaminenga.

### **He Wakaputanga o te Rangatiratanga o Nu Tireni**

(A translation by Dr Mānuka Hēnare of Ngāpuhi, Te Aupōuri, Te Rarawa and Ngāti Kuri)

1. We, the absolute leaders of the tribes (iwi) of New Zealand (Nu Tireni) to the north of Hauraki (Thames) having assembled in the Bay of Islands (Tokerau) on 28th October 1835. [We] declare the authority and leadership of our country and say and declare them to be prosperous economy and chiefly country (Wenua Rangatira) under the title of ‘Te Wakaminenga o ngā Hapū o Nu Tireni’ (The sacred Confederation of Tribes of New Zealand).

2. The sovereignty/kingship (Kīngitanga) and the mana from the land of the Confederation of New Zealand are here declared to belong solely to the true leaders (Tino Rangatira) of our gathering, and we also declare that we will not allow (tukua) any other group to frame laws (wakarite ture), nor any Governorship (Kawanatanga) to be established in the lands of the Confederation, unless (by persons) appointed by us to carry out (wakarite) the laws (ture) we have enacted in our assembly (huihuinga).
3. We, the true leaders have agreed to meet in a formal gathering (rūnanga) at Waitangi in the autumn (Ngahuru) of each year to enact laws (wakarite ture) that justice may be done (kia tika ai te wakawakanga), so that peace may prevail and wrong-doing cease and trade (hokohoko) be fair. [We] invite the southern tribes to set aside their animosities, consider the well-being of our land and enter into the sacred Confederation of New Zealand.
4. We agree that a copy of our declaration should be written and sent to the King of England to express our appreciation (aroa) for this approval of our flag. And because we are showing friendship and care for the Pākehā who live on our shores, who have come here to trade (hokohoko), we ask the King to remain as a protector (matua) for us in our inexperienced statehood (tamarikitanga), lest our authority and leadership be ended (kei whakakahoretia tō mātou Rangatiratanga).

### **The Codicil**

We are the rangatira who, although we did not attend the meeting due to the widespread flooding or other reasons, fully agree with He Whakaputanga Rangatiratanga o Nu Tirene and join the sacred Confederation.

English version written by James Busby

*The English text was drafted by British Resident James Busby for the 28 October 1835 signing. It was then translated into te reo Māori by Henry Williams and written out by Eruera Pare Hongi. Busby despatched the English text to both the New South Wales government and the Colonial Office in Britain.*

## Declaration of Independence of New Zealand

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.
2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.
3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.
4. They also agree to send a copy of this Declaration to His Majesty, the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28 day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follows the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.)

English witnesses:

(Signed) Henry Williams, Missionary, C.M.S.

George Clarke, C.M.S.

James R. Clendon, Merchant.

Gilbert Mair, Merchant.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the chiefs.

(Signed) JAMES BUSBY, British Resident at New Zealand.

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